

Chapter 26

CEMETERIES*

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Cross reference-Health and sanitation, ch. 54.
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ARTICLE I. IN GENERAL

Secs. 26-1-26-25. Reserved.

ARTICLE II. MUNICIPAL CEMETERIES*

DIVISION 1. GENERALLY

Sec. 26-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Cemetery means and includes any cemetery owned or operated by the city.

(Code 1974, § 9-1)

Cross reference-Definitions generally, § 1-2.

Sec. 26-27. Vehicles operated on established driveways only.

It shall be unlawful for any person to ride or drive any vehicle through any cemetery, except on the established and designated driveways therein. (Code 1974, § 9-2)

Sec. 26-28. Speed limit for vehicles.

It shall be unlawful for any person to drive any vehicle in a cemetery at a speed greater than 15 miles per hour.

(Code 1974, § 9-3)

Sec. 26-29. Removing, damaging, etc., property.

It shall be unlawful for any person, not acting in the line of duty or within his own rights, to injure or remove any tree, shrub or plant, or to pluck flowers from any lot, or to deface any monument, tombstone, ornament on any grave, or any fence, curbing or railing around any grave, lot

""State law reference-Municipal cemeteries, 11 O.S. § 26-101 et seq.

or part of a lot, or to remove any ornament at any grave, or to damage anything whatsoever in a cemetery.

(Code 1974, § 9-4)

State law references-Injury to cemetery or tomb, 21 O.S. § 1167; malicious injury to property, 21 O.S. § 1760.

Secs. 26-30-26-40. Reserved.

DIVISION 2. CEMETERY BOARD

Sec. 26-41. Created; composition; appointment and terms of members.

There is hereby created a cemetery board consisting of seven members. All members shall be appointed by the mayor, with the approval of the council, for terms of three years expiring on December 31, provided that, the terms of the two new members appointed in 1991 shall expire December 31, 1992.

(Code 1974, § 9-14)

Sec. 26-42. Members not compensated.

The members of the cemetery board shall serve without compensation.

(Code 1974, § 9-15)

Sec. 26-43. Removal of members.

The mayor, with the approval of the city council, may remove a member of the cemetery board.

(Code 1974, § 9-16)

Sec. 26-44. Officers.

The mayor, with the approval of the council, shall appoint a chairman of the cemetery board. As soon as practicable after the first meeting of the cemetery board each year, the membership shall elect a vice-chairman and secretary. The secretary need not be a member of the board. A majority of the board shall fill vacancies as they may occur in the position of vice-chairman and secretary, as long as the vice-chairman is a member of the board duly appointed by the mayor and council.

(Code 1974, § 9-17)

tCross reference-Boards and commissions, § 2-166 et seq.

Sec. 26-45. Meetings-Generally.

The cemetery board shall determine the time and place of its regular meetings, and the chairman or any four of the members may call special meetings.
(Code 1974, § 9-18)

Sec. 26-46. Same-Failure to attend.

If a member of the cemetery board fails to attend more than half of all the meetings of the board, regular and special, held within a year, he shall ipso facto cease to be a member.
(Code 1974, § 9-19)

Sec. 26-47. Advice, recommendations to council and manager.

The cemetery board may advise and make recommendations to the council and the city manager on any matters pertaining to the cemetery.
(Code 1974, § 9-20)

Secs. 26-48-26-60. Reserved.

DIVISION 3. CEMETERY CARE FUND*

Sec. 26-61. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Fund means the cemetery care fund created by section 26-62.
(Code 1974, § 9-32)

Cross reference-Definitions generally, § 1-2.

Sec. 26-62. Created; name.

In all cemeteries of the city where lots are sold or charges made for interments, 12.5 percent of all monies received from the sale of lots and interments shall be segregated and set aside as a

·Cross reference-Finance, § 2-256 et seq.
State law reference-Perpetual care funds, 8 O.S. § 26-201 et seq.

permanent fund to be known as the cemetery care fund. Such fund shall be used and invested as provided in this division.
(Code 1974, § 9-33; Ord. No. 2199, § 1, 8-23-05)

Sec. 26-63. General duties of city treasurer.

It is hereby made the duty of the city treasurer to set up and establish the fund and to keep a separate account of all revenues and funds received and derived from the sale of lots sold in any cemetery of the city, and charges made for interments and other services rendered and performed by the city in any cemetery for which a charge is made, and at the end of each calendar month to transfer and credit to the fund 12.5 percent of all such amounts received from the sale of cemetery lots and charges made for interments.
(Code 1974, § 9-34; Ord. No. 2273, § 1, 12-11-07)

Sec. 26-64. Deposit or investment; use of interest.

The fund shall be separately deposited or invested as the city council may order and provide from time to time, and the interest on such fund shall be added to the fund as the same shall be earned and collected. The interest on the fund shall be expended and used in improving, caring for and embellishing the lots, walks and drives and in making other necessary improvements on the cemeteries of the city; provided that, before any part of the interest on the fund shall be so used or expended, an appropriation therefor shall be made by the city council and duly entered upon the minutes of the council proceedings.
(Code 1974, § 9-35)

Sec. 26-65. Use of principal.

The cemetery care fund principal shall be expended for purchasing lands for cemeteries and for making capital improvements which shall mean all items and articles, either new or replacements, not consumed with use but only diminished in value with prolonged use, including but not limited to roads and streets, drainage improvements, water and sewerage improvements, machinery, equipment, furniture and fixtures, all real property, all construction or reconstruction of buildings, appurtenances and improvements to

real property, the cost and expenses related thereto of rights-of-way or other real property, engineering, architectural or legal fees, and payment for improvements for which subsequent reimbursement is made.

(Code 1974, § 9-36; Ord. No. 2199, § 1, 8-23-05)

Sec. 26-66. Not to be included in general funds of city or in financial statement to county excise board.

No part of the fund or the interest thereon shall be included at any time in the general funds of the city, nor shall the same be included in any financial statement made to the county excise board in estimating the revenues of the city, nor shall the same be deducted in any such financial statement and estimate of the city for any fiscal year from the amount to be levied and raised by taxation for the city during such fiscal year or any fiscal year.

(Code 1974, § 9-37)

Sec. 26-67. Failure to set aside proceeds for benefit of fund.

It shall be unlawful for the city manager, city treasurer or any other appointee of employee or any other person having control of funds derived from the sale of cemetery lots of interments to fail to set aside, segregate and deposit in the fund 12.5 percent of the proceeds of the sale of cemetery lots and charges for interments, or to directly or indirectly cause the same to be done.

(Code 1974, § 9-38; Ord. No. 2273, § 1, 12-11-07)

Chapters 27-29

RESERVED