

RULES AND REGULATIONS GOVERNING CEMETERIES

WHEREAS, in accordance with the Ordinances of the Town of Inola and Okla. Stat. 11 § 26-107, the Board of Cemetery Trustees has the power to make Rules and Regulations governing the management, improvement and establishment of all cemeteries owned by the Town of Inola and to fix the price for which lots shall be sold or for which an interment shall be made; and

WHEREAS, the Cemetery Board of Trustees has reviewed and discussed the existing Rules and has adopted the following revised Rules and Regulations as set forth below.

NOW, THEREFORE, in accordance with the powers set forth above, the Board of Cemetery Trustees does hereby adopt the following as the Rules and Regulations governing the operation and management of all cemeteries under the ownership and control of the Town of Inola effective June 7, 2021.

1. **Cemetery Board of Trustees.** All Cemeteries owned by the Town of Inola, Oklahoma, shall be operated, managed and controlled by the Cemetery Board of Trustees appointed by the Board of Trustees of the Town of Inola and shall be vested with full authority to operate, manage and control said Cemeteries and to adopt Rules and Regulations necessary to accomplish said purpose.

2. **Fees.** The following charges for lots and services are hereby adopted and may be modified by the Board from time to time:

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| Grave plots: | \$500 per plot |
| Grave Openings: | Weekday \$300 Weekend \$550 Holiday \$600 |
| Crematory Burial: | Weekdays \$200 Weekends \$300 |

All fees or charges for service shall be payable to the Town of Inola and paid to the Town Treasurer who shall deposit same in the Town Treasury. Twenty-Five Percent (or such other amount as may be set by Town Ordinance) of all lot sales shall be deposited in a special Cemetery Care Fund as provided for under Statute or Town Ordinance and shall be used for no other purpose.

3. **Payment of Claims for Operations and Maintenance.** All claims for the operation and maintenance of the Cemetery shall be paid by the Town Treasurer upon proper warrants.

4. **Purchase and Sale of Cemetery Lots.** All lots sold within the Cemetery shall be conveyed by Certificate signed by the Mayor and countersigned by the Town Clerk specifying the price and the person to whom it is issued as the owner. The certificate shall vest the owner

and his heirs a right for purposes of internment and shall provide that said right is subject to the Rules and Regulations of the Governing Body of the Town of Inola or the Cemetery Board of Trustees. The only interest the Certificate shall vest in the purchaser is the right of burial for the purchaser and his or her heirs at law.

Okla. Stat. 11 § 26-104 provides the method by which a purchaser may specify persons other than the purchaser's heirs at law for burial by conveying the lots back to the municipality in trust. The purchaser does not have the right to sell the lot or otherwise dispose of it except as permitted by statute or the Ordinances of the Town of Inola and these Rules and Regulations. As a result, unless the purchaser has named in the conveyance in trust to the Town of Inola, specific persons who are not heirs, the lots are available to the purchaser's heirs in the order of their death.

No owner of any lot shall sell the whole or any part thereof, except that the Town of Inola may repurchase the lot whenever the Board of Trustees shall, after investigation of a particular case, agree to repurchase a lot formerly sold. No money, except One Dollar (\$1.00), shall be repaid to the original purchaser until the lot has been resold by the Town, and the original purchaser shall receive, upon reconveyance by him of the lot or lots, only the amount of money which shall be received from such resale, less One Dollar (\$1.00). No interment shall be allowed until full payment for the lot or lots or any part thereof has been made. No person may sell or exchange any lot for a profit or gain except as set forth in this paragraph.

A person, corporation or association shall not own more than twelve (12) lots collectively (in all municipal cemeteries combined).

No lot shall be used for any purpose other than the underground (sub-surface) burial of human remains only (no pets) and the placing of appropriate monuments and memorials. There shall not be any above ground vaults for burials in Sweeten or Highland cemeteries. 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 proper authorities. Current burials and cremated remains will be considered "grandfathered" and these regulations will be effective from the date of approval. If a lot is purchased for the purpose of cremated remains only, then 2 cremated remains may be interred, with one marker listing two persons. A lot may be purchased for one cremated remain and one human remain using one marker for both persons, and if cremated remains are interred first then a regular burial cannot be done after. If a human remain is already interred and the owner wishes to inter cremated remains, they must contact the City of Inola to have a proper hole dug for the placing of the cremated remains. Only one marker or stone per grave plot is allowed except for a veteran's marker which must be placed at the foot of the deceased and laying flat. The veteran's marker may be placed on the back side of the marker if the marker is large enough to accommodate it.

All abandoned lots or spaces shall revert to the Town of Inola. A lot or space shall be considered abandoned only upon proof of the following:

- (A) The lot or space has not been used within seventy (75) years of the date of purchase; AND
- (B) The Town and/or Board of Cemetery Trustees, enters a finding that the lot or space has been abandoned after compliance with the Notice provisions set forth below. A lot or space shall NOT be deemed abandoned if the owner or any heir appears and claims ownership of the lot or space.

If the Town or Board of Cemetery Trustees desires to declare a lot or space abandoned, the Town or Board must first exercise due diligence to locate the record owner or any known heir. If the owner or heir can be located, the Town or Board shall contact the owner or heir directly, if possible. The Town or Cemetery Board of Trustees shall also mail a written "Notice of Intent to Declare Lots Abandoned" to the owner or known heirs by certified mail, return receipt requested. If the Town or Board of Trustees is unable to locate the owner or any heir, the Town or Board of Cemetery Trustees shall publish the "Notice of Intent to Declare Lots Abandoned" in a newspaper with circulation in the Town of Inola or Rogers County once each week for three (3) consecutive weeks. The Notice shall identify the name of the record owner and describe the lots. If the owner or an heir does not appear and make claim to the lots within thirty (30) days from receipt of the written Notice or thirty (30) days from the date of the first publication of the Notice, the lots shall be deemed abandoned and shall revert to the Town of Inola. If the owner or an heir does appear and shows proof of ownership or heirship, the lots shall not be deemed abandoned and shall remain vested in the owner or be transferred to the heirs.

5. **Transfer of Lots.** No lot may be transferred or assigned without first obtaining a written assignment from the lot owner or his heirs and making proper application with the Town Clerk. All transfers are subject to the limitations set forth in the Oklahoma statutes, the Ordinances of the Town of Inola and these Rules and Regulations.

6. **Maintenance.** Maintenance of all Cemeteries shall be performed by the Town of Inola or other Personnel appointed, with approval of the Town Board, by the Cemetery Board of Trustees. Mowing and/or weed trimming and/or other maintenance by anyone other than authorized personnel are hereby prohibited except for handheld clippers on the grave site. The Town disclaims responsibility for any liability as a result of unauthorized maintenance.

7. **Cemetery Conduct.** All persons attending the Cemetery shall conduct themselves in a manner that is in keeping with good conduct and respect for others. The following is prohibited:

- (i) Depositing trash or debris on Cemetery property including walks or driveways.
- (ii) Carry on or consume liquor on Cemetery property.

- (iii) Permit animals to enter or remain on Cemetery property.
- (iv) Discharge firearms or air rifles on Cemetery property unless such discharge is a part of authorized volleys at burials.
- (v) Entry to the Cemetery shall be only at driveways provided and maintained. The speed limit shall be no greater than five (5) miles per hour. If damage occurs by use of vehicles, the driver shall be responsible.
- (vi) Each person shall be respectful of all graves and shall refrain from damaging or injuring another's grave.

8. **Vaults**. All burials will be encased in vaults procured from any source, provided established specifications and standards are satisfied.

9. **Monuments and Markers**. All existing Monuments and Markers shall be allowed to remain in their present condition. Any alterations or changes to existing Monuments or Markers shall be flush with the ground or shall not exceed 36 inches in height from a base set flush with ground together with a ground level concrete apron six (6) inches wide around the base.

A military stone marker may be placed at the foot of the grave plot flush with ground level.

All monument installation must be inspected and approved by a representative of the Cemetery Board of Town of Inola. Failure to comply with this provision may result in the removal of the monument.

10. **Decorations**. No planting of trees, shrubs, bushes, or flowers shall be permitted. All plantings currently in place are subject to being mowed or trimmed and once removed will not be replaced. Any tree or bush which dies due to disease, weather damage, or an adjacent grave opening will not be replaced.

Funeral homes and individuals may place wreaths and flowers and temporary plants on graves for funerals and holidays, after which they shall be removed within ten (10) days. Holidays are defined as Memorial Day, Fourth of July, Thanksgiving, Christmas, Wedding Anniversary, and the Birthday of the Deceased.

A maximum of one (1) single or one (1) double hook-shaped wrought iron plant hanger, (candy cane or Shepherd's hook-shaped only), may be placed per monument and must be located only at the base of each monument.

Plant hangers shall be used expressly for the purpose of hanging flowers only and may not exceed forty-eight (48) inches in height.

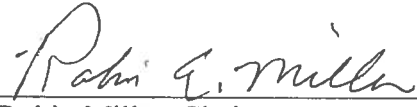
Grave blankets will be allowed provided the following conditions are complied with:

- (i) Only medium sized decorative white rock or marble will be allowed to cover the bed. Gravel grave blankets must be located directly over the deceased and may not be larger than three (3) feet in width and six (6) feet in length, with the blanket being adjacent to the headstone base. Blanket edging must be constructed of concrete no wider than two (2) inches. No decoration will be allowed to remain permanently on grave blankets other than those placed at holiday or memorial days. All grave blankets not in conformity with these restrictions will be subject to removal.
- (ii) All curbs, coping, or fences currently in place shall be allowed to remain in their present condition. No other curbing or fences shall be allowed around any grave site.
- (iii) A maximum of two (2) figurines (concrete, porcelain, or steel) will be allowed to be placed on each monument base or concrete apron. Height of figurines may not exceed eighteen (18) inches. No loose concrete blocks, bricks, or steel weighted devices will be allowed to remain on any grave.
- (iv) No electrical, battery-operated water or wind propelled devices, or wind chimes are allowed.
- (v) Benches, chairs, or settees of any type are prohibited unless placed by the Cemetery Board.
- (vi) Veteran crosses shall be standard size and be placed only by veterans representatives directly next to headstone or veteran marker base. Crosses will remain permanently. American flags may be placed on crosses temporarily on holidays.

11. **Amendments to Rules and Regulations.** These Rules and Regulations may be amended from time to time by the Cemetery Board of Trustees or by Ordinance duly enacted by the Town Board. Should a conflict exist between these Rules and the Town Ordinances, the Town Ordinance shall prevail.

12. **Penalty.** Any person who violates any provision of these Rules and Regulations or fails to perform any act required herein is guilty of an offense against the Town of Inola and upon conviction thereof, shall be punished by a fine of up to \$100.00 and/or imprisonment for a period of up to thirty (30) days.

“The Cemetery Board of Trustees”


Robin Miller, Chairman