

PART 11
PARKS, RECREATION AND
CULTURAL AFFAIRS

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CHAPTER 1
PARK COMMISSION

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11-101: **ESTABLISHMENT AND NAME¹:** There is hereby established a Park Commission for the Town which shall be called "Board of Park Commissioners" of the Town. (Prior Code § 15-1)

11-102: **NUMBER OF MEMBERS, APPOINTMENT:** The Board of Park Commissioners shall consist of five (5) persons, to be appointed by the Chairman of the Board of Trustees, with the approval of the Board of Trustees. (Prior Code § 15-2)

11-103: **TENURE OF OFFICE:** The term of office of the members of the Board of Park Commissioners shall be as follows: one Commissioner shall be appointed for a term of one year, two (2) Commissioners for a term of two (2) years and two (2) Commissioners for a term of three (3) years. The terms of the Commissioners shall begin on July 1st.

1. 11 OS § 33-101 et seq.

Any vacancy which may occur through death, resignation, or otherwise may be filled for the unexpired term in like manner. No compensation for services of the commission shall be allowed to any member thereof. The commission shall determine the time, date and place of its regular meetings which shall be held at least once per month in accordance with the Oklahoma Open Meeting Act title 25, Oklahoma Statutes sections 301 - 314. Special meetings of the Park Commission may be called by the Chairman or a majority of the Commissioners in accordance with the Oklahoma Open Meeting Act. (Ord. 2017-11, 6-29-2017)

11-104: **OFFICERS:** The appointed members of the commission shall elect from among their number a Chairman, a Vice-Chairman, and a Secretary. (Ord. 2017-12, 6-29-2017)

11-105: **POWERS AND DUTIES:** The Board of Park Commissioners shall act in an advisory capacity to the Luther Town Trustees in connection with the care, management and control of all parks and grounds used for park purposes, all boulevards and parkways, now or hereafter owned by or under the control of the Town. The Board of Park Commissioners shall advise with, and suggest to, the Luther Town Trustees, methods of improving and adorning parks, boulevards and parkways. In addition, Park Commissioners may help conduct special events as desired and approved by the Luther Town Trustees. Park Commissioners may apply for available grants as necessary to complete desired projects upon approval of a majority of Luther Town Trustees. Park Commissioners shall have power to make and alter necessary rules and regulations for the maintenance of order, safety, and decency in the parks, within Town limits. No such rules or regulations shall be of any effect unless they shall have been first approved by a majority of Luther Town Trustees. For the purpose of enforcing such rules and regulations, all such parks and property, within Town limits are hereby placed under the police jurisdiction of the Town. Any member of the Police Department may arrest in any such parks or places, within the limits of the Town, any person who has broken any park rule or committed any violation of such rules or the ordinances of the Town in the park. The Municipal Court of the Town shall have jurisdiction of all such violations committed within the limits of the parks.

Park Commission projects which require funding must be provided to Luther Town Trustees via a written proposal including a budget with line items for each requested and/or required expense. Budgets and proposals shall be approved by a majority of the Luther Town Trustees prior to implementation. Once approved, budgetary expenses shall be paid directly to the identified vendor by the Town of Luther utilizing current Town of Luther

vendor payment policies and procedures. Neither the Park Commission, nor any of its members, will receive money directly, or indirectly, from the Town of Luther or the LPWA for any reason whatsoever. (Ord. 2017-13, 6-29-2017)

11-106: **PARK PROPERTY DEFINED:** The term "park property" includes all parks, street parkings, and all buildings, structures, improvements, seats, benches, foundations, boats, floats, walks, drives, roads, trees, plants, herbages, flowers, and other things, thereon, and the enclosures of the same, and all trees on streets or thoroughfares, resting places, water stations, playgrounds, or the like, and all boulevards, parkways, roads, or drives between parks. (Prior Code § 15-6)

11-107: **MEMBERS NOT TO BE CONCERNED IN CONTRACTS OR INTERESTED IN PARK PROPERTY:** No member of the Board of Park Commissioners shall be concerned in any contract with the Town or any of its departments, either as contractor, subcontractor, bondsman, or other party directly or indirectly interested. (Prior Code § 15-7)

11-108: **GIFTS MAY BE MADE TO TOWN:** Real or personal property may be granted, bequeathed, devised, or conveyed to the Town for the purpose of the improvement or ornamentation of such parks or approaches, or for the establishment or maintenance therein of museums, zoological or other gardens, collections of natural history, observatories, monuments, statues, fountains, or other works of art, upon such trusts and conditions as may be prescribed by the grantors or devisors thereof, and accepted by the Board of Trustees of the Town. All property so devised, granted, bequeathed, or conveyed, and the rents, issues, profits, and income thereof shall be subject to the exclusive management, direction, and control of the Town. (Prior Code § 15-8)

11-109: **USE OF PARKS PROHIBITED DURING CERTAIN HOURS:** It is unlawful and an offense for any person to be in a public park between the hours of ten o'clock (10:00) P.M. and nine o'clock (9:00) A.M. in the limits of the Town without a permit issued by the Town Clerk of the Town. (Ord. 80-2, 6-17-1980)

11-110: **PERMITS:** Any person wishing to use a public park in the Town between the hours of ten o'clock (10:00) P.M. and nine

o'clock (9:00) A.M. must apply for a permit with the Town Clerk. The permit must be applied for more than twenty four (24) hours prior to the time the applicant desires to use the park or facilities. (Ord. 80-2, 6-17-1980)

11-111: ISSUANCE OF PERMIT: The Town Board shall adopt procedures to be followed by the Town Clerk for the issuance of permits to use the park facilities between the hours of ten o'clock (10:00) P.M. and nine o'clock (9:00) A.M. (Ord. 80-2, 6-17-1980)

11-112: PENALTY: Any person, firm or corporation who shall violate any of the provisions of this chapter or fail to comply with any of the requirements hereof, shall be guilty of an offense and upon conviction shall be punished as provided in section 1-108 of this Code. Each day such violation shall be permitted to exist shall constitute a separate offense. (Ord. 80-2, 6-17-1980)

CHAPTER 2

CEMETERY RULES AND REGULATIONS

Section 11-201	Establishment of cemetery policy.
Section 11-202	Definitions.
Section 11-203	General rules.
Section 11-204	Lots and lot owners.
Section 11-205	Care of lots.
Section 11-206	Descent of title.
Section 11-207	Interments.
Section 11-208	Plants and shrubs.
Section 11-209	Enforcement of rules.
Section 11-210	Application for interment permit.

SECTION 11-201 ESTABLISHMENT OF CEMETERY POLICY.

For the mutual protection of lot owners and the cemetery as a whole, the following rules and regulations have been adopted by the town as the rules and regulations of the town cemetery. All lot owners and visitors within the cemetery and all lots sold, shall be subject to the rules and regulations and such other rules and regulations, amendments or alterations as shall be adopted by the board of trustees from time to time. Reference to these rules and regulations in the deed or certificate of ownership to a lot shall have the same force and effect as if set forth therein. (Prior Code, Sec. 6-1)

SECTION 11-202 DEFINITIONS.

For the purpose of this chapter, the following terms shall have the meanings respectively ascribed to them in this section:

1. "Cemetery" includes a burial park for earth interments, a community mausoleum for vault or crypt interments, a crematory or crematorium and columbarium for cinerary interments, or a combination of one or more than one thereof;
2. "Plot" applies to a space of sufficient size to accommodate one adult interment approximately three (3) by ten (10) feet;
3. "Lot" applies to numbered divisions as shown on the record plat which consists of four (4) or more plots;
4. "Interment" means the permanent disposition of the remains of a deceased person by cremation and inurnment, entombment, or burial;
5. "Memorial" includes a monument, marker, tablet, headstone, private mausoleum or tomb for family or individual use, tombstone, coping, lot enclosure, urn and crypt and niche place;
6. "Monument" includes a tombstone or memorial of granite or marble which shall extend above the surface of the ground;
7. "Marker" means a memorial flush with the ground;
8. "Lot marker" means a type of post used by the cemetery to locate corners of the lot or plot; and

9. "Certificate of ownership" applies to the original conveyance given by the cemetery to the original purchaser.

(Prior Code, Sec. 6-2)

SECTION 11-203 GENERAL RULES.

The town owns and operates the Luther Cemetery in accordance with the laws of the state. The following are general rules:

1. Employees of the town are not expected to work on Saturdays, Sundays or holidays except when absolutely necessary in the preservation of order, and as specified in the rules and regulations. Consequently, Saturday and Sunday funerals will be held to a minimum;
2. Employees of the town are not permitted to do any work for lot owners except upon order of the superintendent, but are required to be civil and courteous to all visitors;
3. All fees or charges for services are payable at the town clerk's office as herein stated and patrons of the cemetery are requested not to pay any fee or gratuity to any employee;
4. Persons within the cemetery shall use only the avenues, roads, walks and alleys, and no one is permitted to walk upon or across lots or lawns unless it be necessary to do so to gain access to one's own lot. The cemetery expressly disclaims liability for any injuries sustained by anyone violating this rule;
- 5.. Persons visiting the cemetery or attending funerals are strictly prohibited from picking flowers, wild or cultivated, breaking or injuring any tree, shrub, or plant, or from writing upon, defacing or injuring any memorials, fence, or other structure within the cemetery grounds;
6. Motor cars and vehicles must be kept under complete control at all times. When meeting a funeral procession, they must stop until the procession passes. They must not pass a funeral procession going in the same direction. Motor cars must not be left with the engine running and the emergency brakes must be set when the driver is not in his seat. Mufflers must not be opened nor the horn sounded within the cemetery;
7. The following acts are prohibited:
 - a. The driving of motor cars or other vehicles through the gates or in the cemetery at speeds exceeding five (5) mph;
 - b. Driving any motor car, vehicle or animal across or upon any grave, lot or lawn or parking or leaving the same thereon;
 - c. Parking or leaving any motor car or vehicle on any road or driveway within the cemetery at such location or in such position as to prevent any other car or vehicle from passing the same, and if so parked or left, the management will remove the same; or
 - d. Making a complete or partial reverse turn of any motor car or vehicle on any road or driveway within the cemetery;

8. Children under fifteen (15) years of age are not permitted within the cemetery, or its building, unless accompanied by proper persons to take care of them;

9. Receptacles for waste material are located at convenient places. Hence, the throwing of rubbish on the drives and paths, or on any part of the grounds, or in the buildings, is prohibited; (Prior code § 6-3)

10. The placing of boxes, shells, toys, metal designs, ornaments, chairs, settees, vases, rocks, fences and similar articles, upon plots will not be permitted and if so placed the management reserves the right to remove them. Except Memorial Day when flowers, metal boxes, ornaments, glass vases, etc., will be allowed; however, they must be removed within three (3) days. And on Christmas when blankets and decorations, etc., will be allowed and they must be removed by January 15. All other exceptions must be cleared by cemetery superintendent or board of trustees. Personal property removed by the town personnel will be retained for thirty (30) days after removal so that property owners may claim their property if they so desire; (Ord. 2008-07-13, 7-8-2008)

11. It is of the utmost importance that there should be strict observance of the proprieties in the cemetery. Hence, all persons within the cemetery should avoid conduct unbecoming a sacred place:

- a. Loud or boisterous talking;
- b. Bringing lunches or refreshments into the cemetery or consuming them on the grounds;
- c. Peddling or soliciting the sale of any commodity within the cemetery;
- d. Placing of signs or notices or advertisements of any kind within the cemetery;
- e. Bringing dogs into the cemetery or any of the buildings; or
- f. Bringing firearms into the cemetery except by military escort accompanying a veteran's funeral or attending memorial services;

12. It is the duty of the board of trustees to see that the rules and regulations are complied with and it is their duty to see that order is

maintained and to protect and promote the best interests of the cemetery. To that end, they are authorized to make temporary additional rules which may be needed, from time to time, to meet emergencies which are not covered by these rules and regulations;

13. Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The board of trustees, therefore, is given the necessary powers to make exceptions, suspension, or modifications of any of these rules and regulations, without notice, when in the judgment of the board such action appears necessary; and such temporary exception, suspension or modification shall in no way be construed as affecting the general application of such rules and regulations; and

14. The town hereby expressly reserves the right to adopt additional rules and regulations or to amend, alter or repeal any rule, regulation, article, section, paragraph or sentence in these rules and regulations, at any time. Such rules and regulations must be advertised. (Prior code § 6-3)

11-204: LOTS AND LOT OWNERS:

A. Persons desiring to purchase lots should visit the cemetery where the management will aid them in making a selection. Payment for lots is to be made at the town clerk's office and deed to the lot will be issued upon receipt of payment. The following prices are now in effect:

1. One lot: Two hundred dollars (~~\$200.00~~); and 1400.00
2. Single spaces: Fifty dollars (~~\$50.00~~). 350.00

Prices are subject to change by the town without notice.

- B. Lots of various sizes are available in the cemetery and hence such lots will not be subdivided.
- C. No lot shall be used for any other purpose than for the burial of the human dead.
- D. No easement or right of interment is granted to any plot owner in any road, drive, alley or walk within the cemetery, but such road, drive, alley or walk may be used as a means of access to the cemetery or buildings, as long as the town devotes it to that purpose.

- E. The right to enlarge, reduce, replat or change the boundaries or grading of the cemetery, or a section or sections, from time to time, including the right to modify or change the locations of or remove or regrade roads, drives, or walks, or any part thereof is hereby reserved. The right to lay, maintain and operate, or alter or change pipelines or gutters for sprinkling systems, drainage, etc., is also expressly reserved, as well as is the right to use cemetery property not sold to individual plot owners for cemetery purposes, including interment of the dead, or for anything necessary, incidental or convenient thereto. The town reserves to itself and to those lawfully entitled thereto a perpetual right of ingress and egress over plots for the purpose of passing to and from other plots.
- F. Descriptions of lots will be in accordance with the cemetery plats which are kept on file in the town clerk's office.
- G. The board of trustees will take all reasonable precautions to protect lot owners, and the property rights of plot owners, within the cemetery from loss or damage; but the cemetery distinctly disclaims all responsibility for loss or damage from mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.
- H. It is the duty of the plot owner to notify the town clerk of any change in his post office address.
- I. The instrument of conveyance of these rules and regulations and any amendments thereto constitute the sole agreement between the town and the plot owner. The statement of any employee or agent, unless confirmed in writing by the board of trustees shall in no way bind the cemetery.
- J. At least twenty five percent (25%) of the revenues received from sales of cemetery lots shall be placed in the cemetery care fund¹ for the uses and purposes set out in state law. (Prior code § 6-4)

11-205: CARE OF LOTS:

- A. The general care of the cemetery is assumed by the board of trustees.

1. 11 OS § 26-109.

- B. The general care assumed by the town shall in no case mean the maintenance, repair or replacement of any memorial, tomb, or mausoleum placed or erected upon lots; nor the doing of any special or unusual work in the cemetery, including the work caused by the impoverishment of the soil; nor does it mean the reconstruction of any marble or granite work on any section or plot, or any portion or portions thereof in the cemetery, caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or by the order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.
- C. Lot owners desiring additional care of their lots may arrange for such care through private contract. (Prior code § 6-5)

11-206: **DESCENT OF TITLE:** The laws of the state govern the descent of title to cemetery lots as well as other matters pertaining to assignment, conveyances, devises, trust deed and inalienability. The town clerk will assist any lot owner who desires information or advice on questions pertaining to his lot. (Prior code § 6-6)

11-207: **INTERMENTS:**

- A. The cemetery will be open to the public from sunrise to sunset.
- B. Where immediate burial is required by the laws of the state or under the rules and regulations of the board of health, interments may be made on Saturdays, Sundays, and holidays, but an additional fee will be added to the regular interment charge. Otherwise, interments will be permitted only Monday through Friday.
- C. All funerals on entering the cemetery shall be under the charge of the town personnel.
- D. Once a casket containing a body is within the confines of the cemetery, no funeral director nor his embalmer, assistant, employee, or agent, shall be permitted to open the casket or touch the body without the consent of the legal representative of the deceased or an order signed by a court of competent jurisdiction.
- E. Funeral directors, upon arrival at the cemetery, must present the necessary burial permit from the local health officer.

- F. All orders for interments in lots must be signed by the owner of the lot or his legal representative. However, when this is impossible because such person is absent from the town, telegraphic permission will be accepted in lieu thereof.
- G. Lot owners shall not allow interments in their lots in return for remuneration of any kind.
- H. No interment of two (2) or more bodies shall be made in one grave except in the case of mother and child or two (2) infants in one casket.
- I. When an interment is to be made in a lot, the location of such interment shall be designated by the lot owner. Should the lot owner fail or neglect to make such designation, the board of trustees reserves the right to make the interment in a location designated by the board.
- J. The board of trustees may designate those persons who will be permitted to open graves. No other person will be permitted to open graves, except:
 - 1. When the cemetery is directed to make a disinterment by the order of a court of competent jurisdiction and a certified copy of such order has been filed with the town clerk; or
 - 2. When the district judge directs the disinterment for the purpose of holding an inquest and has filed with the management his signed authorization to release the body to himself and his lawful agents. In such case, the disinterment must be made by the district judge or his lawful agents. Town employees will not be permitted to assist the district judge or his agents.
- K. All charges for interment or services in connection therewith, shall be paid to the town clerk who will issue a receipt therefor upon request.
- L. Arrangements for the payment of any and all indebtedness due to the town must be made before interment will be made.
- M. The right is reserved by the town to insist upon at least twenty four (24) hours' notice prior to any interment and at least one week's notice prior to any disinterment or removal.

- N. All interments, disinterments, and removals must be made at the time, and in the manner, and upon the charges fixed by the board of trustees.
- O. Besides being subject to these rules and regulations, all interments, and disinterments, and removals are made subject to the order and laws of the properly constituted public authorities.
- P. The town will not be responsible for any order given by telephone or for any mistake occurring from the want of precise and proper instructions as to the particular space, size of grave, and location in a plot, where interment is desired.
- Q. The town will not be liable for the interment permit nor the identity of the person sought to be interred. (Ord. 2012-01-02, 1-10-2012, eff. 1-10-2012)

11-208: PLANTS AND SHRUBS:

- A. There shall be no individual beds of shrubbery or flowers allowed on the grounds except by special permission of the town. Application for the same should be accompanied by a scaled sketch of the proposed planting indicating the position and names of the plants and shrubs suggested.
- B. The town shall have authority to remove all floral designs, flowers, weeds, trees, shrubs, plants, or herbage of any kind from the cemetery as soon as, in the judgment of the town personnel, they become unsightly, dangerous, detrimental, or diseased, or when they do not conform to the standard maintained or as heretofore set forth in the rules and regulations.
- C. The town shall not be liable for floral pieces, baskets, or frames in which, or to which, such floral pieces are attached beyond the acceptance of such floral pieces for cemetery services held in the cemetery.
- D. The town shall not be responsible for frozen plants or herbage of any kind or for plantings damaged by the elements, thieves, or by other causes beyond its control.
- E. The town reserves the right to prevent the removal of any flowers, floral designs, trees, shrubs, plants, or herbage of any kind unless the board gives consent.

11-208

11-209

- F. The owner shall notify the town clerk's office any time his lot is sold.
(Prior code § 6-8)

11-209: **ENFORCEMENT OF RULES:** The town is hereby empowered to enforce all rules and regulations and to exclude from the cemetery any person violating the same. The town shall have charge of the grounds and buildings including the conduct of funerals, traffic, employees, plot owners and visitors and at all times shall have supervision and control of all persons in the cemetery. (Prior code § 6-9)