

City Council Work Session Meeting Minutes

Bixby Municipal Building
111 N. Cabaniss Ave., Bixby, OK 74008
May 26, 2026 at 5:00 PM

The agenda for the regularly scheduled meeting of the City Council Work Session of the City of Bixby was posted on the bulletin board at the Bixby Municipal Building, 111 N. Cabaniss Avenue, Bixby, OK 74008 on May 21, 2026, on or before 5:00 p.m.

Call to Order

Mayor Girard called the City Council Work Session Meeting to order at 5:02 pm.

Roll Call

Shannon Duran, City Clerk, called the roll, and the following were present:

Members Present:

Mayor Girard
Councilor Hirshey
Councilor David
Councilor Payne

Members Not Present:

Vice Mayor Schultz

Staff Present:

Kim Coody, Assistant City Manager
JT Hammons, City Attorney
Shannon Duran, City Clerk
Charles Barnes, Finance Director
Dylan Warner, Public Works Director
Todd Blish, Police Chief
Joe Sherrell, Fire Chief
Bryan Toney, Public Information Officer

Agenda

- 1) Presentation and discussion regarding the creation of a Metropolitan Zoning Commission.

Mayor Girard said item 1 on the Regular Agenda is up for discussion.

Item Presented by: JT Hammons

Item 2 was called out of order.

Discussion ensued regarding the creation and roles of a Metropolitan Zoning Commission and a Regional Planning Commission, and whether the City may be interested in participating in either

entity. It was noted that County approval would be required. Discussion included that, if a Metropolitan Zoning Commission were established, a three-mile extraterritorial jurisdiction buffer outside the city limits would apply for zoning purposes. Annexation considerations were also discussed, including potential advantages and disadvantages. It was noted that the first step would be to initiate discussions with the County.

2) Presentation and discussion regarding the Oklahoma Open Meetings Act.

Mayor Girard said item 2 on the Regular Agenda is up for discussion.
Item presented by: JT Hammons, City Attorney

Mayor Girard stated that Item 2 would be heard prior to Item 1 on the Regular Agenda, with Item 1 to be taken up following discussion of Item 2.

A handout was provided and is attached to these minutes.

The City Attorney provided a presentation to the Council regarding the Oklahoma Open Meeting Act. Discussion ensued regarding the purpose and intent of the Act, including the definition of a “public body” and what entities are included or excluded. An overview was provided of the types of meetings and what constitutes a “meeting” under the Act, as well as statutory requirements related to notice, agendas, executive sessions, and public participation.

Discussion also included requirements for posting notices of meetings, proper procedures for conducting meetings, and compliance obligations. The City Attorney further provided an overview of potential implications and penalties associated with willful violations of the Oklahoma Open Meeting Act.

3) Presentation and discussion regarding the cemetery rules, regulations, and fees.

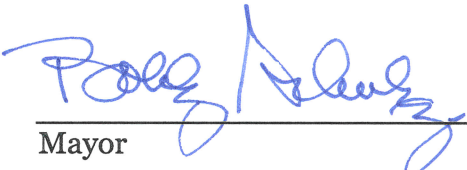
Mayor Girard said item 3 on the Regular Agenda is up for discussion.
Item presented by: Dylan Warner, Public Works Director
Others who spoke: Josh Williams, Cemetery Superintendent; Kimberlye Shatto, Cemetery Administrator

A handout was provided and is attached to these minutes.

Discussion ensued regarding proposed increases to cemetery fees and the rationale for the adjustments. An overview was provided of recent updates and revisions to the cemetery rules and regulations.

4) Adjournment

Adjournment was called at 5:55 pm.



Mayor

City Clerk





Understanding Oklahoma's Open Meeting Act

JT Hammons

Hammons Hamby & Price, PLLC

Muskogee, OK



NT OF

Title 25 O.S. §§ 301-314

THE OPEN MEETING ACT

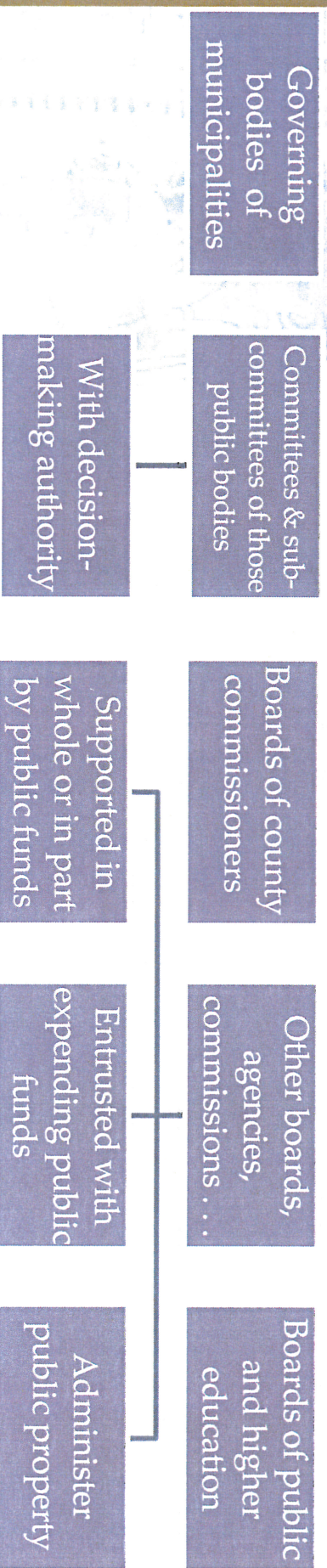
I. When is the OMA triggered?

**When a "PUBLIC BODY"
has a "MEETING."**

“Public Body” Defined

25 O.S. § 304(1)

- Any entity which spends public money, manages public property, or is supported (in whole or in part) by public money



CAUTION! This is more than governmental agencies. A purely private entity can be a “public body” under the OMA

“Public Body” DOES NOT Include

25 O.S. § 304(1)

- Judiciary
- Legislature (no points for guessing why)
- Administrative staff of public bodies
(City Attorneys, City Managers,
Planning Directors, etc.)

“Public Body” Does Not Include

25 O.S. § 304(1)

- Committees that are purely fact finding, information, recommendatory, or advisory with no decision-making authority. *Andrews v. Ind.*

School District No. 29 of Cleveland Co., 1987 OK 40, 737 P.2d 929.

- Private organizations which contract to provide goods or services to the public on behalf of a governmental agency and receive payment from public funds merely as reimbursement for goods or services provided.

2002 OK AG 37.

“Meeting” Defined

25 O.S. § 304(2)

- When conducting “business” of public body
- By a majority of its members
- Being personally together, OR, by teleconference, as authorized by § 307.1



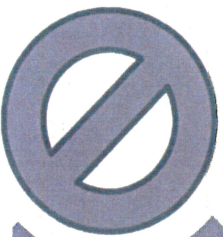
CAUTION! “Business” includes the

“entire decision-making process: deliberation, decision, and formal action”. Oklahoma City Mun. Imp. Auth. v.

HTB, Inc., 1988 OK 149, 769 P.2d 131

Electronic and Telephonic Communications

25 O.S. § 306



Prohibits deciding or taking action
(voting) on any matter by phone
or e-mail



Also prohibits deciding or taking
action on any matter at an
“informal gathering”



CAUTION! Discussion in a group e-mail or group
text message is a virtual meeting and a violation of the
OMA.

Four Types of Meetings

25 O.S. § 304(3)-(6)

Regularly
Scheduled
Meetings

Special
Meetings

Emergency
Meetings

Continued
or
Reconvened
Meetings

II. Required Pre-Meeting Actions



- Provide Notice



- Post Agenda

Providing Initial Notice of Regular

Meetings

25 O.S. § 311

- **When?**

- Annually by December 15 of regular meetings for next calendar year
- Include date, time, and place of meetings
- Regular meetings can be changed with 10 days notice to appropriate office, and limited new business is permitted.

- **To whom?**

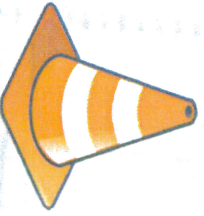
- State public bodies and governing boards of state institutions of higher education: Secretary of State
- County public bodies: County Clerk of the county where the body is principally located
- Municipal public bodies: Municipal Clerk

Providing Notice of Special Meeting

- 48 hours notice of date, time, and place
- Notice in writing, in person, or by telephonic means to the proper record-keeping official and to those who have filed written requests to receive notice of a meeting. 25 O.S. § 311(A)(11).
- New business is NOT permissible

Providing Notice of Emergency Meeting

- An emergency meeting must deal with an “emergency”
- “Emergency” is situation involving immediate **injury to persons or damage to property or financial loss**
- Public body must give only the advance public notice that is reasonable under the circumstances.
25 O.S. § 304(5).



CAUTION! If a matter can wait the 48-hours to hold a special meeting, **NOT** an emergency

Posting the Meeting's Agenda

25 O.S. § 311(A)(9)

When?

24 hours prior to meeting, excluding Saturday, Sunday, and State holidays (federal holidays don't count).

Example: Meeting is at 10 am on a Monday so agenda must be posted no later than 10 am the Friday before.



CAUTION! 1 "day" is not the same as 24 "hours." OMA is about hours and minutes, not days. 24-hour period begins from the minute the agenda is posted.

Agendas

25 O.S. § 311(B)

Must contain sufficient information for the public to identify the items of business and the purpose.

Haworth Bd. of Ed. v. Havens, 637 P.2d 902, 904 (Okla. Civ. App. 1981).

"Agendas [must] be worded in plain language, directly stating the purpose . . . The language used should be simple, direct and comprehensible to a person of ORDINARY EDUCATION AND INTELLIGENCE."

Agendas

25 O.S. § 311(B)

- Cannot conduct business if the item is not on the agenda
- Cannot be vague
 - “City Manager’s Report” needs more detail on what the report will cover if public body will discuss the contents of the report, but mere announcements are allowed. Hirschfeld v. OTA, 2023 OK 59
- List *proposed* executive sessions

New Business

25 O.S. § 311(A)(9)

- “Any matter not known about or which could not have been reasonably foreseen prior to the time of posting [the agenda].”
- To consider new business at a regular meeting, timely post an agenda containing an item called “new business.”
- New Business is NOT what someone forgot needed to be on the agenda
- No New Business in a special or emergency meeting



CAUTION! Use sparingly, only when not reasonably foreseeable prior to posting the agenda.

Failed Agenda Example

Agenda said purpose of the meeting was to:

1. Appoint new board member.
2. Interview a new administrator.
3. Hire principals.

The court found the agenda was deceptively vague and a willful violation where the school board hired a superintendent.

Haworth Bd. of Ed. v. Havens, 637 P.2d 902 (Okla. Civ. App. 1981).

Be specific and clear. Do not vaguely refer to the action planned to be taken or discussed.

When and Where to Hold Meetings

25 O.S. § 303

- Meetings “shall be held at specified times and places which are convenient to the public”
- Use good judgment
- Not a locked courthouse on a public holiday. *Rogers v. Excise Bd. of Greer Cnty.*, 1984 OK 95, 701 P.2d 754.

Executive Sessions

25 O.S. § 307

- **General Rule:** No executive sessions unless specifically authorized in § 307 or another statute.

- **Common Permissible Purposes:**

- Personnel matters (25 O.S. § 307(B)(1)) - construed narrowly
 - Not job openings (2006 OK AG 17)
 - Must identify individual or unique position (1997 OK AG 61)
 - Not for hourly employees, only salaried employees
- Purchase or sale of real property (25 O.S. § 307(B)(3))
- Confidential communications with attorney concerning pending investigation, claim or action (25 O.S. § 307(B)(4))

Executive Sessions

25 O.S. § 307

- **Special Procedures: 25 O.S. § 307(E)**

- *Proposed* executive session must be noted on agenda (25 O.S. § 311(B) and 1982 OK AG 114)
 - Include specific citation to which provision of § 307 authorizes the executive session. (25 O.S. § 311(B)(2)(C))
- Must take vote at the meeting to go into executive session and have majority to convene executive session. (25 O.S. § 307(E)(2))
- Votes **CANNOT** be taken in executive session.
 - Can discuss, but actions arising out of executive session must be taken in an open meeting.

Public Comments

- A public body is not required to provide opportunity for citizens to speak (2002 OK AG 26; 1998 OK AG 45).
 - If public body chooses to allow public comments, it is advisable to set policy.
 - Could limit comments to agenda items only and/or set a time limit.



CAUTION! Public body cannot engage with speakers during public comment section. Discussion of an item is “business”



Videconferene

25 O.S. § 307.1



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IV. Willful Violations of the Act

Civil

Implications

- Actions taken in willful violation are invalid. 25 O.S. § 313.
- *Any person* can bring a civil action. 25 O.S. § 314(B).

Criminal

Penalty

- Misdemeanor offense
- Punishable by fine up to \$500 and/or up to one (1) year in the county jail. 25 O.S. § 314.

Open Meeting Violations Led to Arrests of Four Billings School Board Members

December 21, 2022



BILLINGS – Authorities in Noble County have taken the unusual step of arresting and charging four school board members accused of violating Oklahoma's Open Meeting Act.

The board members met multiple times outside of public meetings, including in June to hire a new superintendent, according to a court affidavit. They didn't notify the public of the meeting or create an agenda, the records state, and were subsequently warned by an attorney that convening outside a public meeting would violate state law.

Willful Violation

Rogers v. Excise Bd. of Greer County,
1984 OK 95, 701 P.2d 754.

“The Act provides that any action taken in willful violation shall be invalid. Willfulness does not require a showing of bad faith, malice, or wantonness, but rather, encompasses conscious, purposeful violations of law or BLATANT OR DELIBERATE DISREGARD OF THE LAW BY THOSE WHO KNOW, OR SHOULD KNOW .

How to Correct an OMA Mistake

- If not in compliance with OMA when an action is taken, it will be invalid.
- The public body has to redo its action in conformity with the OMA.
- How? Depends on the type of mistake.
 - Give proper public notice and put item on next meeting's agenda
 - Re-vote and record the decision in the public meeting

Thank You



John Tyler Hammons

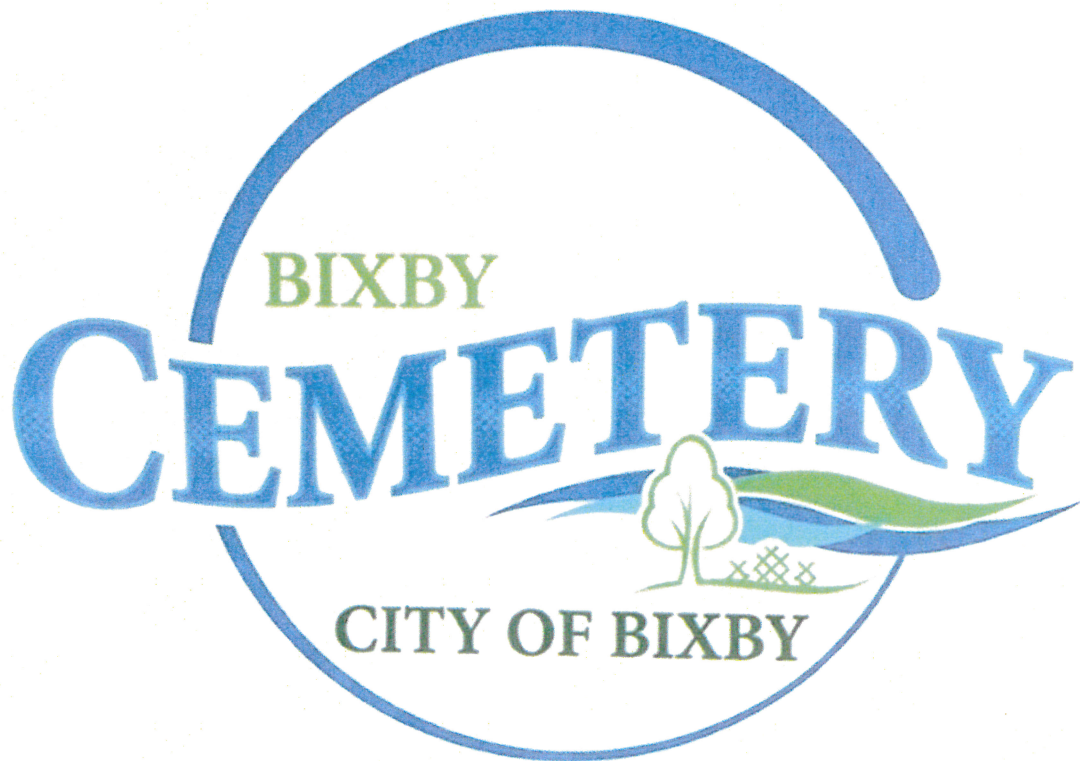
HAMMONS HAMBY & PRICE

312 N 4th Street

Muskogee, OK 74401

Office: (918) 683-0309

JTH@HammonsPrice.com



RULES & REGULATIONS

6498 151st St. South

Bixby, OK 74008

HOURS OF OPERATION

Monday through Friday

8:00am until 5:00pm

7-5C-1: HOURS OF OPERATION AND ACCESS:

- A. The City Cemetery shall be open to the public during daylight hours. Cemetery personnel will be available for business only from 8:00 A.M. to 5:00 P.M., Monday through Friday.
- B. Access to the Cemetery: The Main Entrance gate on E 151st St S will be open Monday through Friday, 8:00 A.M. to 5:00 P.M. The farthest South (2nd) gate on South Sheridan Rd works on a sensor and can be accessed 7 days a week from 7:00 A.M. to 9:00 P.M.
- C. Appointments are needed for grave site selection to ensure both the Cemetery Foreman and the Cemetery Administrator are available to assist families. Funeral homes must inform families of this policy, and assist them in scheduling appointments. These appointments will be scheduled for **no later than 3:00 P.M.**, Monday through Friday in order to ensure that the family and City Staff have sufficient time to process the grave location and necessary paper work before closing time.
- D. Employees assigned to the City Cemetery do not work Sundays or legal holidays. No grave openings or interments will be permitted on Sundays or legally designated City Holidays.
- E. No City employee shall be expected to perform any work for remuneration within the City Cemetery for lot owners or visitors.
- F. No employee of the City or visitor shall sell monuments, flowers or any other item for use within the Cemetery.

7-5C-2: FEES:

- A. Payable: All fees for burial spaces or charges for service are payable to the City, office of the City Treasurer located in the Municipal Building at 111 N Cabaniss Ave, Bixby OK 74008. Patrons of the Cemetery shall not pay any fee to any City Cemetery employee. All arrangements must be made through the Cemetery Administrator before any payment can be made.
- B. Payment in full is required at the time of purchase for any burial space(s): For interments of any kind full payment must be received 48-hours in advance of any scheduled interment.

Selected grave spaces may be held for up to 90 days in connection with the purchase of an immediate need burial space to allow time for insurance funds to be collected for payment of the remaining spaces. The spaces will not be considered owned until payment is made in full. Partial payments or payment plans are not permitted. No deed will be created and, no interment will occur in reserved spaces until full payment has been received. If payment is not received at the end of 90 days, the spaces will become available again for other parties to purchase. **A maximum of 3 spaces may be held adjacent to the immediate-need space that has already been purchased.**

- C. Payment in Advance: All fees for services rendered by employees of the City are payable 48-hours in advance. No services shall be performed prior to payment in full.
- D. Schedule of Fees: The schedule of fees for the City Cemetery shall be in such amounts as established by resolution of the City council. The rate for the purchase of a grave space for a Resident is defined as being within the City of Bixby Fence Line.

7-5C-3: FUNERALS (Ordinance No. 2449; 7/24/2023):

Hours Permitted: Funerals may be held in the Cemetery no earlier than 9:00 A.M. and fully concluded by 4:00 P.M., Monday through Saturday.

A. Conclusion of Services:

The overtime charge shall apply if the service is not concluded in its entirety by 4:00 P.M. All overtime fees must be paid within 48-hours of the occurrence. If overtime fees are not paid, future interments may be delayed.

Commencement and Conclusion of Services: The expected time of arrival to the Cemetery with the intent to inter any remains and/or conduct a funeral service shall be given at the same time a request is sent for any services and/or the opening of a grave space. If there are any changes, reasonable notice shall be given to the Cemetery Administrator and/or the Cemetery Foreman, so as to document and prepare accordingly. Funeral homes should contact Cemetery Administrator as soon as they have had a request from a family to make funeral and burial arrangements to allow ample time for staff to prepare.

7-5C-8: INTERMENT

7-5C-4: CONVEYANCE OF CEMETERY LOTS;

- A. Deed: Cemetery spaces shall be conveyed by deed signed by the City Mayor and countersigned by the City Clerk, under the seal of the City. The deed shall show the price for which the lots are sold and specify that the person to whom it is issued is the owner of the space or spaces described therein by number, as laid down in the plat, for the purpose of interment. The deed shall vest in the purchaser and the heirs a right to the space or spaces, for the sole purpose of interment. All Deeds and Quit Claims need to be filed at the Tulsa County Clerk's Office and a copy returned to the Cemetery Administrator with-in 45 days of receiving the Deed or Quit Claim. This can be done in person at the Tula County Courthouse located at 218 W 6th St. 7th Floor Tulsa, OK or online at <http://www.countyclerk.tulsacounty.org/Home/Land>.
- B. No Transfer Provision: Once a Cemetery space has been purchased from the City

of Bixby, there will be a Non-Transfer Provision in effect for 1 year following this conveyance. If a space is conveyed within that 1st year to a non-resident, there will be a fee charged to the purchaser that equals the difference between the Resident and Non-Resident Fee. The rate for a Resident is defined as being within the City of Bixby Fence Line. Residents will need to check with Cemetery Administrator for confirmation of Resident Rates.

- C. **Transfer of Conveyance:** Written notification of the transfer or conveyance of any space must be made to the Cemetery Administrator within 45 days of the transfer. A processing fee will be charged for any Quit Claim document prepared by the Cemetery Administrator.
- D. **Proof of Ownership:** Proof of lot ownership must be filed with the Cemetery Administrator 48-hours prior to any interment.
- E. **Affidavits/Owner's Consent:** An owner of a space who desires to allow a burial to be made in the space of which he/she is the owner, shall sign a consent allowing the same before the interment is made as more fully set forth in section 7-5C-8 of this article.

7-5C-5: PURCHASE OF LOTS BY LICENSED FUNERAL HOMES:

- A. The City may sell and convey Cemetery lots to a licensed funeral home for the limited purposes of such funeral home acting as agent for a family or individual, hereinafter designated as principal and making such designation in writing.
- B. The scope of agency as provided herein shall be limited to the agent's principal having immediate need to such Cemetery space, or need in the foreseeable future. For purpose of definition, "foreseeable future" is intended to mean that period of time of six (6) months or less. This section shall not convey, directly or indirectly, any intent, option or authority for a licensed funeral home, or any other individual or entity, to purchase lots within the City Cemetery for resale or commercial enterprise.

7-5C-6: CEMETERY EXPENSES AND COLLECTIONS:

All monies received by the City from the sale of lots or from interments or from any other source of Cemetery revenue shall be paid daily to the City Treasurer, who shall deposit the same in the City treasury. Expenses incurred for the upkeep, repair and adornment of the Cemetery may be paid by the City upon proper warrants.

7-5C-7: GRAVE SPACES: LOT REGULATIONS:

- A. Cemetery lots shall be used only for the burial of human remains/cremated remains. No animal interments of any kind are allowed on the Cemetery property.
- B. The Cemetery and the Legal Description for grave locations are broken down by Block, Lot, and Space Number. Each lot has six (6) spaces. Lot spaces are numbered from North to South (Space one (1) to Space six (6)).
- C. For traditional casket burials, the head of the coffin is placed on the West side of the space.
- D. All grave spaces sold are subject to perpetual maintenance and all rules and regulations enacted by the City.
 - 1. "Perpetual Care" at the Bixby Cemetery shall mean mowing of the grounds at reasonable intervals, spraying to control weeds, keeping the grounds clean of liter and debris, pruning shrubs and trees as needed, and maintaining the grade of grave spaces to match the surrounding terrain.
 - 2. The City does not water grave spaces, nor lay sod as they close a grave space. Grass can take a full season, or up to six (6) months or more to grow in a grave space. Families are responsible for watering any sod they have provided to be placed on the grave space.
 - 3. The City does not bind itself to maintain, repair, or replace any monuments, headstones, markers or anything whatsoever attached thereto or placed upon grave spaces. If there is an issue with any such item, we will contact the funeral home or family. Please see further in this section for Rules and Regulations relating to work to be done within the Bixby Cemetery.
 - 4. Flat Markers: Ground shifting is a common reason for markers to become uneven or skewed. Given the circumstances, the Cemetery Foreman can determine if it is within the City's ability to address the issue with the marker, such as to make flush with the surrounding terrain. If the City determines the work cannot be executed by Cemetery staff, the family will be contacted.
 - 5. The City will determine the need to remove any existing tree within a block of the Cemetery. Trees that need to be removed at grave spaces (i.e. to protect a headstone) are removed at the cost and responsibility

of the space owners. Prior approval from the Cemetery Administrator is required for anyone other than City staff to remove a tree. Please see Item "Q" below for instructions on this policy and process. No new or replacement trees are allowed to be planted at any time.

- E. Grave Space Size: A grave space is four (4') feet wide and twelve (12') feet long. Headstones and their foundations (pad) shall only be installed, reasonably centered, along and/or parallel to the Western-most four (4') foot edge of the space. Any remains to be interred shall be reasonably centered and within the parameters of the same space to the East of the established or designated row reserved only for headstones and /or raised markers of any type and their corresponding foundations.
- F. Lot owners shall not create or erect improvements, monuments, markers of any type or otherwise install anything or structure upon any grave space. Such improvements or markers as may be placed or installed shall be done by or under the direction of the Cemetery Foreman, their designee, or authorized employees or officers according to the specifications of the City within normal business hours, Monday – Friday 8:00 A.M. to 5:00 P.M.
- G. No enclosure of any kind, including, but not limited to, stone borders, fences, coping, hedges, ditches or the like, shall be permitted on or around any grave space or lot.
- H. Flagpoles, statuary, solar lights, urns, flower pots, shepherd hooks, boxes, shells, ammunition, glass, plastic, other breakables, or similar articles of any description are inconsistent with the intended usage of the Cemetery and are prohibited. Such articles, if found on the premises, may be removed without notice. Benches that have been approved may be allowed only in the designated headstone row. 7-5C-7: R
- I. In Blocks 13, 14, and 15, no more than one (1) memorial monument and one (1) flat marker or two (2) flat markers will be permitted on each grave space.
- J. Special corner markers may be installed with permission of the Cemetery Foreman. Such markers shall be installed by employees of the City, or their designee, at the sole expense of the grave space owner. The corner markers shall be of granite, marble, slate or bronze construction and set flush with the existing surrounding terrain, and may not encroach on any other grave space. Corner markers installed on the West side of spaces will reduce the overall space available for monument/headstones/markers and foundations. Before ordering, visit with the Cemetery Foreman to determine the parameters of the work.
- K. Mausoleum or mausoleum-like structures shall only be permitted in designated areas with prior written approval of the Cemetery Administrator and the Cemetery Foreman.**
- L. Funeral homes and individuals may place wreaths, grave blankets, flowers and temporary plants on grave spaces for funerals and holidays. Wreaths, blanket wreaths, flowers, or any other adornments must be pinned to the ground so

- they do not blow away. No planting of trees, shrubs, flowers or the like shall be permitted. No articles of any nature shall be placed upon the surface of the grave space except as herein specifically set out. They will be removed.
- M. To facilitate maintenance and upkeep of the Cemetery, all decorations, flowers, wreaths or any other articles of adornment which are not in permanent vases shall be removed from the grave space within five (5) days of placement or no later than five (5) days after any legal holiday. Vases must be secured to the monument located within the designated row of monuments. They may not be placed directly on the ground. Lot owners should be aware that artificial flowers tend to fade and disintegrate over time due to effects of the weather. The Cemetery Foreman reserves the right to remove and/or dispose of any floral decorations (fresh cut and/or artificial) when they become wilted, discolored, damaged or unsightly.
 - N. Any item found on the ground, lot, or grave which interferes with mowing and trimming of the Cemetery grounds may be removed without notice.
 - O. Working on monuments, headstones and/or markers is prohibited without written permission of the space owner, or their designated heir. All such work must be reported to the Cemetery Administrator before such work is started.
 - P. Any and all persons installing, erecting and/or creating any monument, foundation and/or marker of any type; or performing any other type of work at the Cemetery, aside from a City employee, must have liability insurance. Proof of insurance must be provided to the Cemetery Administrator.
 - Q. Any work to be done inside the Cemetery by someone other than a City employee or monument company must be arranged in advance with the Cemetery Administrator. Proof of license, bond and insurance (as applies) must be provided. Work shall commence only after the request has been reviewed by the Cemetery Foreman and approved by the Public Works Director or his/her designee. A signed written agreement must be in place.
 - R. Monument companies must submit a completed City of Bixby Monument Approval Request form regarding a headstone, monument and/or marker order to the Cemetery Administrator for approval **PRIOR** to ordering or production. The City will review the order, existing Cemetery records, and the existing space where it is to be placed to make sure the order follows the City's rules and regulations, and there are no issues or concerns. Once reviewed and approved, the monument company will be notified.
 - S. Veteran's Marker and/or Headstone Orders: The Cemetery Administrator needs to be notified as soon as a Veteran's Marker or Headstone is ordered with the Veteran's Administration so that the Cemetery staff is fully informed and prepared to receive the marker when it arrives.
 - T. Foundation Required: No headstone, monument and/or marker of any description that is to be installed within the established or designated row of headstones shall hereafter be erected and/or installed or by any manner created on any lot or grave in the Cemetery unless there is a concrete or

granite foundation (also referred to as a pad) provided. Foundations must be reinforced, cured, and be of a size that is at minimum, four inches (4") in thickness with a minimum of two inches (2") of space between any adjacent grave borders that are not owned/involved in the placement of said foundation, monument and/or marker (maximum length and width for a single space's marker and/or monument foundation is 44"L x 24"W, double space 92"L x 24" W, triple space 140"L x 24"W so on and so forth). This foundation must be installed flush with the ground/natural grade of the block and reasonably centered, along and/or parallel to the Western-most four (4') foot edge of the space, within the exact location that will be marked by the Cemetery Foreman or their designee. Any monument requiring a foundation, must be reasonably anchored to its corresponding foundation. "Wet Pour" foundations and/or pads will not be allowed.

- U. Materials: All monuments and/or markers of any type shall be made of granite, marble, slate or bronze; foundations shall be made of reinforced concrete or granite; any and all monument accessories including but not limited to, urns, vases, and the like must be reasonably attached and/or anchored to the monument, and shall be made of marble, granite, slate or bronze. If circumstances require securing an accessory to the foundation, monument companies should include that information in their work order. Absolutely no glass shall be placed, used in or on graves, grave spaces, headstones, markers, foundations and/or any area within the Cemetery. Any items not anchored to the monument are subject to removal.
- V. Scheduling Placement of Grave Marker: A minimum notice of 48-hours is required for the placement of any and all foundation, monument and/or marker installed within the Cemetery.
- W. Placement of Marker: Memorial monuments, headstones, footstones and/or markers of any type are to be installed centered between the corresponding grave borders, which will be defined by marks made by the Cemetery Foreman or their designee. The monuments, headstones, footstones and/or markers shall not encroach upon any other grave space's border; nor shall it detract from the visual appearance or placement of monuments, headstones, footstones and/or markers of any type within the Cemetery, as determined by the Cemetery Foreman, or their designee. The removal of excavated dirt and cleanup of the grave space shall be performed promptly by the party preparing the foundation, monument, footstone and/or marker of any type. The designated area to place excess dirt shall be determined by the Cemetery Foreman or their designee prior to or upon completion of said work.
- X. Monument Size: As of the date of approval of these current regulations, a 36" height threshold will be in effect for monuments. This height threshold begins from the flush concrete foundation. No monuments, foundations or markers of any type hereafter with a width exceeding 24" shall be installed, to allow necessary space for interment. Any pre-existing monuments that

have been installed prior to the approval date of these current regulations that exceeds the new 36" height threshold, or the 24" width maximum and therefore, need to be moved in order to excavate for a burial, will be moved at the expense of the space owner. Families choosing to install new monuments prior to burial that exceed the 36" height threshold, will be charged an additional fee per space to have the monument picked up and moved at the time of need for the open and close of corresponding space(s). This fee will be due and payable before the Monument Approval Request can be approved. Any articles of any description found on the grave space that are inconsistent with the regulations listed herein that are with-in the area necessary for excavation, are subject to removal to make necessary room for the excavation of the same burial.

- Y. Reserved Graves: If any monuments, headstones, footstones, benches or markers of any type need to be removed, either temporarily or permanently, to allow for the performance of a burial, the cost of doing so may be added to the opening and closing fees of the same burial. Benches that have been installed in, on or around an unoccupied grave space area that interfere with the interment of remains, shall be removed by the Cemetery Foreman or their designee, and may be subject to the same fees as listed above.
- Z. Lot Regulations: Grave spaces and/or markers of any type, installed within the grave spaces, which are not located within the established or designated row of headstones, must be flush with the natural grade of the surrounding terrain and shall not be raised above the established grade. If a grave space includes cremains burials, there will be a limit of no more than two (2) flat markers allowed per space.
- AA. Noncomplying markers and/or Items: Any foundation, monument or marker of any type or any item installed and/or that currently exists within the Bixby Cemetery that does not meet the criteria defined here in the line items in this section, after the effective date hereof, shall be considered inconsistent with the intended usage of the Cemetery and may be subject to temporary or permanent removal at the lot owner's expense, and may be replaced only upon compliance with all of the requirements listed herein. If the article in question does not meet all the requirements listed herein, it shall not be replaced onto any grave space, and will be placed in a designated area chosen by the Cemetery Forman or their designee.

7-5C-8: INTERMENT:

- A. Notice Requirement: A 48-hour notice is required to be given to the Cemetery Administrator in advance of any interment along with the proper documentation such as an interment form &/or a certified copy of the death certificate and payment must be paid in full before anything can be scheduled.

7-5C-2: FEES – A & B

- B. Burial Affidavit/Owner Consent: No interment will be permitted in any space without the written consent of the owner, or if the owner is deceased, one of the owner's heirs at law or personal representative. Such consent shall be filed with the Cemetery Administrator.

Interment Form: The Interment Form must be completed in its entirety, signed and retained as a permanent record for every interment conducted at the Bixby Cemetery, including all cremated remains. It is the responsibility of the funeral home to get the family to sign the interment form on all traditional burials.

In the event a licensed funeral home is not involved in the interment of cremated remains, a certified copy of the death certificate shall be delivered to the Cemetery Administrator no less than 48-hours prior to the scheduled interment and the interment form will be completed in the Cemetery Administrators office. A family member must be present to sign the interment form.

No interment shall be authorized or performed until such documentation has been received and verified by the Cemetery Administrator.

This requirement is in accordance with Title 63, Oklahoma Statutes, Section 1-313, and all applicable state regulations regarding the proper handling and disposition of human remains.

- C. Requirement of an Outside Container for Traditional, Casket Burial in Bixby Cemetery: A vault or grave liner, henceforth referred to as an outside container, shall be required for any and all traditional casket burials. Outside containers shall be constructed of high-strength, reinforced concrete or metal.
- D. Cremains Burial: While a container is not required for the burial of cremains, acceptable articles/materials used to contain cremains for interment include, but are not limited to; plastic temporary vault/urn, metal cremation vault/urn, marble, granite, wood, polystyrene vault/urn. The standard size space dug for the open and close of a cremains interment is 2' x 2' x 2'. Most cremains containers will accommodate this size space.
- E. Equipment and Accessories: Funeral home will need to make arrangements to provide a lowering device, tents, chairs, and any other equipment or accessories needed.
- F. Bixby Cemetery Personnel are not permitted to assist in removing caskets from any vehicle, or moving or lowering outside containers into grave spaces. It will be necessary for funeral homes to ensure that vault company vendors are adequately staffed to provide these services at the Cemetery. Limited exceptions may be granted at the discretion of Cemetery management. Any exception to this policy shall be granted only at the sole discretion of Cemetery management. In the event assistance is authorized, a written waiver and release of liability must be fully executed in advance. By signing such waiver, the

funeral home and/or responsible party agrees to release, indemnify, and hold harmless the Cemetery, its employees, and representatives from any and all claims, damages, losses, or liabilities arising from or related to such assistance.

- G. Multiple Remains in a Single Space: Up to three (3) cremains may be interred in a single space. If, and only if, the space has a traditional casket within an outside container interred previous to any other interments planned for the space in question, up to two (2) additional cremains may be interred in the same space. If no casket within an outside container has been or is planned to be interred in the space in question, up to three (3) cremains may be interred in a single space.

7-5C-9: DISINTERMENT:

- A. Disinterment and re-interment must be arranged in advance with the Cemetery Administrator.
- B. Oklahoma State Dept. of Health Requirements: If disinterring a body to another Cemetery, or disinterring for the purpose of cremation, an approved permit from the Oklahoma State Dept. of Health is required prior to disinterment. If disinterring and re-interring inside the same Cemetery, a Notice is required to be submitted to the Oklahoma State Health Department within (5) days after this action. Either of these must be done through a licensed funeral director.
- C. Before the removal of the body of any person buried in our Cemetery, written consent from the owner(s) of the lot must be provided to the Cemetery Administrator.
- D. Unknown Bodily Remains Discovered: When the bodily remains of an unknown person is discovered in an unidentified and unmarked grave; the remains may be removed to some other gravesite within the Cemetery if no record exists as to a sale or conveyance of the space and the City is without knowledge that a body had been buried in the gravesite if the space has been sold to another person.
- E. Unacceptable Payment: If payment for interment, grave space or other Cemetery fee is made through payment by a forged or false check, draft or another bill of exchange, the City shall have the right to remove such bodily remains to a single interment space in any lot it may select in the Cemetery, separate and apart from the original interment.

7-5C-10: VISITOR RULES:

- A. Entry: Entry upon the Cemetery premises shall be made by use of the drives provided and indicated upon the plat of the Cemetery.
- B. Driving Within Grounds: All persons driving in or through the grounds are required

to stay upon the driveways. The speed limit in the Cemetery shall not exceed 15 miles per hour.

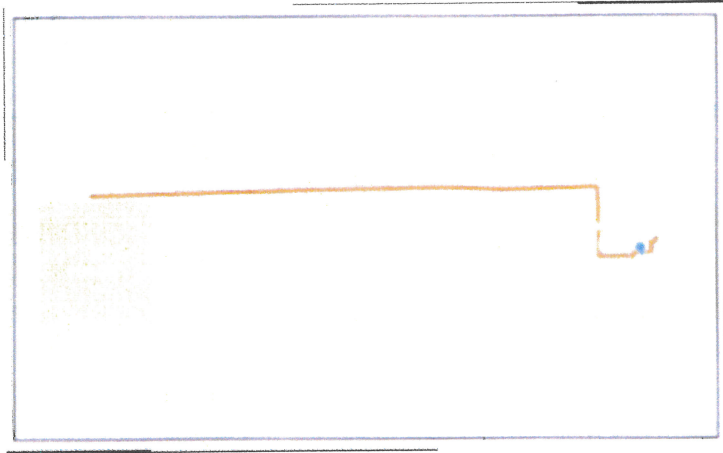
- C. Firearms: No persons shall be allowed to discharge firearms within the Cemetery except for the conduct of a Military Honors funeral demonstration arranged by the Veteran's Administration using trained, uniformed, and active military members for that purpose. Trained, uniformed, and active police and/or firefighters are also exempt from this rule. Any others will be in violation of City Code.
- D. Signs and Advertising: No person shall install or affix to Cemetery property or display any sign or other advertising device.
- E. **Animals Prohibited: No animals of any kind shall be permitted in the Cemetery at any time. This policy is in place out of respect for those interred and to maintain the cleanliness, safety, and integrity of the Cemetery.**

Violation of this policy may result in removal from Cemetery grounds and/or other enforcement actions as deemed necessary by Cemetery management.

7-5C-11: HONORING VETERANS:

The City honors Veterans at the Cemetery in the following ways:

1. The Cemetery has a Veteran's Monument where families can have the name engraved of their loved one who has served in our U.S. Military and is buried in the City's Cemetery. Please contact the Cemetery Administrator for more information.
2. VA headstones/markers: A family can honor their loved one with a military marker and/or headstone provided by the U.S. Department of Veteran's Affairs (VA Form 40-1330). A funeral home can assist families with this process, or the Cemetery Administrator can be contacted for more information. The City Administrator needs to be notified at the time of ordering. No monuments or markers are permitted to be set in the Bixby Cemetery without prior approval from the Cemetery Administrator.
3. Memorial Day Weekend: A group designated by the City may facilitate a special commemorative "Memorial Day Service" on Memorial Day that includes a variety of events. Flags are put up throughout the Cemetery. A civic organization may have small flags placed at the grave spaces that have an existing Veteran's marker.
4. **Bixby Cemetery is proud to now be a designated location in the Wreaths Across America program. Every December Wreaths can be purchased through the program and they are donated to be placed in designated cemeteries across America on the graves of Veteran's by volunteers. Watch our City of Bixby website for details every December.**



Cemetery Administrators Office
Public Works – Dawes Building
113 East Dawes
Bixby, OK 74008
918-366-4430 * 918-366-0432

