

**Ordinance No. 3409**

**An ordinance amending the Broken Arrow Code of Ordinances by amending Chapter 8, Cemeteries, Article II Park Grove Cemetery; Division 2. Babyland; Sec. 8-51., Created, to reflect the actual area used, Blocks 33 through 36, as designated for Babyland use, Sec. 8-55., Monuments and Markers, updated to include upright markers; and adding Division 3, Sec. 8-56., Created; Sec. 8-57. Niche, Sec. 8-58., Use of Property, Sec. 8-59., Identification of remains, Sec. 8-60., Cremains location, Sec. 8-61., Decorations, Sec. 8-62., Urn requirement, Sec. 8-63., Niche repair or destruction, Sec. 8-64., Errors, all providing for associated niche servicing and designating the remaining vacant blocks, Blocks 28 through 32 and Block 37 as an area for cremation niches; repealing all ordinances to the contrary; and declaring an emergency.**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROKEN ARROW, OKLAHOMA:**

**SECTION I.** That Chapter 8, Division 2, Babyland, Section 8-51. – Created, of the Code of Ordinances of the City of Broken Arrow, is hereby amended to read as follows:

**DIVISION 2. Babyland**

**Sec. 8-51. - Created.**

This is hereby created within Park Grove Cemetery an area to be known as “Babyland” and to be located in Section N, Blocks 33-36 inclusive, Lots 1-4 inclusive.

**SECTION II.** That Chapter 8, Division 2, Babyland, Section 8-55. – Monuments or markers, of the Code of Ordinances of the City of Broken Arrow, is hereby amended to read as follows:

**Sec. 8-55. Monuments or markers.**

Flat or upright grave monuments or markers will be allowed.

**SECTION III.** That Chapter 8, Division 3, Cremation Niches , Section 8-56. – Created, of the Code of Ordinances of the City of Broken Arrow, is hereby amended to read as follows:

**DIVISION 3. Cremation Niches**

**Sec. 8-56. - Created.**

This is hereby created within Park Grove Cemetery an area reserved for cremation niches located in Section N, Blocks 28-32 inclusive, Lots 1-4 inclusive and Block 37, Lots 1-4 inclusive.

**SECTION IV.** That Chapter 8, Division 3, Cremation Niches , Section 8-57. – Niche, of the Code of Ordinances of the City of Broken Arrow, is hereby amended to read as follows:

**Sec. 8-57 – Niche.**

All work or improvements of any kind on or around areas designated for cremated remains are under the control of the Park Grove Cemetery staff including, but not limited to: opening and sealing niches, inurnments or disinurnments, installation and/or removal of inscription, plaques, landscaping or columbarium work. Park Grove staff may remove any and all improvements at any time, for any reason and reserves the right to change boundaries and the right to ingress and egress as may be necessary.

**SECTION V.** That Chapter 8, Division 3, Cremation Niches , Section 8-58. – Use of property, of the Code of Ordinances of the City of Broken Arrow, is hereby amended to read as follows:

**Sec. 8-58. – Use of property.**

Niches or cremation sites, when available, are for the sole use of human cremated remains. No inurnments shall be permitted in any niche until all payments have been made. All fees and associated charges relating to niche purchase, opening, closing or other niche services will be set out in the Manual of Fees. The niche deed, if provided, only gives a right or privilege of inurnment of cremated remains, the ownership to the land and the structure remaining always with Park Grove Cemetery. Only one human cremated remain per single niche and two for double niches is permitted. Inscriptions on niches shall be supplied by Park Grove Cemetery. No titles or fraternal emblems shall be allowed, inscriptions and/or plaques may be limited to size, length, style, font or other feature based on the physical properties of the columbarium structure, plaque, or any conformity standards set for the columbarium as determined by the Cemetery Sexton.

**SECTION VI.** That Chapter 8, Division 3, Cremation Niches , Section 8-59. – Identification of remains, of the Code of Ordinances of the City of Broken Arrow, is hereby amended to read as follows:

**Sec. 8-59. – Identification of remains.**

Park Grove Cemetery shall not be responsible for the identification of any person's remains either at the time of inurnment or at any subsequent time.

**SECTION VII.** That Chapter 8, Division 3, Cremation Niches , Section 8-60. – Cremains location, of the Code of Ordinances of the City of Broken Arrow, is hereby amended to read as follows:

**Sec. 8-60. Cremains location.**

No disurnment, change of location, transfer of ownership or any other disturbance or cremains will be permitted without a certified written order from the owner or a court of

competent jurisdiction directing such a change. The Park Grove Cemetery staff will exercise reasonable care in making a removal, but will assume no liability for damage to any urn occurring in the process of making a removal. Any applicable charges will apply as set out in the Manual of Fees.

**SECTION VIII.** That Chapter 8, Division 3, Cremation Niches , Section 8-61. – Decorations, of the Code of Ordinances of the City of Broken Arrow, is hereby amended to read as follows:

**Sec. 8-61. Decorations.**

The cremation niche area shall be cared for by the Park Grove Cemetery staff. The area will not be able to accommodate decorations or flowers of any kind.

**SECTION IX.** That Chapter 8, Division 3, Cremation Niches , Section 8-62. – Urn requirement, of the Code of Ordinances of the City of Broken Arrow, is hereby amended to read as follows:

**Sec. 8-62. Urn requirement.**

Cremated remains will only be accepted in approved urns. Approved urns will be of size and material suitable for the niche. The Cemetery Sexton or his representative shall have full authority to refuse or accept for inurnment any receptacle deemed unsuitable. It is the owner's responsibility to transfer remains into an approved urn if necessary.

**SECTION X.** That Chapter 8, Division 3, Cremation Niches, Section 8-63. – Niche repair or destruction, of the Code of Ordinances of the City of Broken Arrow, is hereby amended to read as follows:

**Sec. 8-63. Niche repair or destruction.**

If the niche is destroyed or damaged for any reason, Park Grove Cemetery may cause any cremains inurned therein to be either promptly interred elsewhere in the cemetery or surrendered upon written request to the owner or representative of the niche in which they were inurned, or temporarily placed in a receiving tomb pending restoration of the niche and upon restoration re-inurned therein. In such a case, the extent of restoration, replacement, or repairs required will be determined by the City of Broken Arrow based upon the extent of destruction or damage to the niche or the structure containing the niche.

**SECTION XI.** That Chapter 8, Division 3, Cremation Niches , Section 8-64. – Errors, of the Code of Ordinances of the City of Broken Arrow, is hereby amended to read as follows:

**Sec. 8-64. Errors.**

Park Grove Cemetery reserves the right to correct any errors made by it in granting any niche either by substituting other interment property of like kind, equal value or similar location,

so far as possible as selected by the Cemetery Sexton or his representative, or by refunding the amount of money paid for the purchase.

**PASSED AND APPROVED** and this 16<sup>th</sup> day of February, 2016.

ATTEST:

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MAYOR

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(seal) CITY CLERK

APPROVED:

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DEPUTY CITY ATTORNEY