

§8-183. Certificate of authority - Application - Investigation - Public hearing - Expenses.

(a) No organization subject to the provisions of this act shall locate or establish a cemetery in any county of this state except after a certificate of authority has been issued therefor by the board of county commissioners of the county wherein such cemetery is to be located and operated, except that no application shall be required pursuant to Section 2 of this act. The issuance of such certificate of authority shall rest solely in the discretion of the board of county commissioners of the county wherein such cemetery is to be located and operated. The request to establish such proposed cemetery shall be set forth in a written application made to the board of county commissioners, provided that the form of the application shall be prescribed and furnished by the board and shall contain such information as the board may require; provided, however, that no such certificate of authority shall be required for establishing or operating any cemetery, graveyard or burial ground in such cities containing a population over three hundred thousand (300,000), authority for the construction and operation of which shall be obtained from the governmental planning commission having jurisdiction over zoning and building regulations covering the area wherein such cemetery, graveyard or burial ground is located.

(b) The board of county commissioners shall not approve an application nor issue a certificate of authority until:

1. The board shall make or cause to be made an investigation and examination of the applicant and the application.
2. The board shall give notice of such application, and the hearing to be held thereon, by publication once a week for two (2) consecutive weeks in a newspaper having a general circulation in the county in which the applicant proposes to locate and operate the cemetery.
3. The board shall, after the date of the said publication, hold a public hearing on the application in such place in the county as it shall designate.

(c) After the filing of the application for a certificate of authority, the board of county commissioners shall make or cause to be made a careful investigation and examination relating to the financial standing and character of the organizers of the proposed cemetery, the character and qualifications and experience of the officers and managers thereof, for the use of the board, which information shall be considered confidential; of the adequacy of the initial investment in the proposed cemetery; of the adequacy of the planned perpetual care fund if the proposed cemetery is to be a perpetual care cemetery; of the proximity of the proposed cemetery to human dwellings and the sanitary and health conditions in regard to the location of the proposed cemetery; and of the public necessity for the cemetery in the community in which such proposed cemetery is to be located and operated; and if the board of county commissioners, after the public hearing herein provided, shall determine any of the questions unfavorable to the applicant, the applicant shall not be approved and the certificate of authority shall not be issued, and if such questions be determined favorably by the board, the board shall approve the application and the certificate of authority shall be issued.

(d) At the public hearing any person who is interested may appear and be heard, either in person or by his attorney. Within sixty (60) days from the date of such hearing the board of county commissioners shall render its findings and decision, in such form and detail as it shall prescribe, and a copy of the same shall be forwarded to the applicant and all persons who have entered an appearance.

(e) All expenses which may be incurred by the board of county commissioners in performing its duties as provided in this section shall be paid to the board by the applicant at the time of filing the application for the certificate of authority, provided such expenses shall in no event exceed Five Hundred Dollars (\$500.00) and any balance remaining unexpended shall be returned to the applicant by the board at the conclusion of the hearing.

Added by Laws 1955, p. 105, § 3, emerg. eff. May 23, 1955. Amended by Laws 1963, H.J.R. No. 554, p. 764, § 2, emerg. eff. June 14, 1963; Laws 2014, c. 100, § 1, eff. Nov. 1, 2014.



APPLICATION FOR CERTIFICATE OF AUTHORITY
TO LOCATE OR ESTABLISH A CEMETERY

(OKLAHOMA STATUTES, TITLE 8 § 183)

APPLICANT

Proposed Cemetery Name: _____

Name of the person authorized to act in its behalf: _____

Address: _____

Telephone: _____

E-mail: _____

LOCATION

Provide the legal description of the property in Pittsburg County, Oklahoma where the proposed cemetery will be located.

GENERAL

1. What experience does the applicant have in operating a cemetery?

2. What other cemeteries does the applicant either own or operate?

3. Does the applicant intend to sell burial spaces in the cemetery? Yes No

If yes, what is the purchase price that applicant intends to charge for a burial space? _____

4. What is the applicant's plan for the management and operation of the proposed cemetery? Who will own the cemetery? Who will manage the cemetery? _____

Applicant agrees to provide to the Board of County Commissioners such additional information as the Board may request for its use in order to conduct a careful investigation and examination relating to the financial standing and character and qualifications and experience of the officers and managers of the proposed cemetery. Any information provided shall be considered confidential.

Applicant hereby requests that the Board of County Commissioners of Pittsburg County, Oklahoma issue a certificate of authority to locate and establish a cemetery in Pittsburg County, Oklahoma, pursuant to Oklahoma Statutes, Title 8 § 183.

DATED this _____ day of _____, 20 _____.

Signature of Applicant

Signature of Applicant

Printed Name of Applicant

Printed Name of Applicant