

# Whisler Cemetery Association, Inc.

## By-Laws, Rules and Regulations

Revised July 1, 2022

The following By-Laws, Rules and Regulations have been adopted for the mutual protection of owners of Interment Rights in the Cemetery. All owners of Interment Rights and other persons within the Cemetery, and all Interment Rights sold therein, shall be subject to these By-Laws, Rules and Regulations as they now exist and as they may reasonably be amended or altered hereafter by the Cemetery Association. Any reference to these By-Laws, Rules and Regulations in any purchase agreement entered into by the Cemetery, or any certificate of Interment Rights issued by the Cemetery, shall have the same force and effect as if these By-Laws, Rules and Regulations were set forth in full therein.

The Cemetery expressly reserves the right, at any time and without prior notice to any Owners, to adopt new By-Laws, Rules and Regulations or to amend, modify, or repeal any section, paragraph, or sentence of these By-Laws, Rules and Regulations. The most current version of the By-Laws shall be published at [www.whislercemetery.org](http://www.whislercemetery.org), or obtained from a member of the board, listed at [www.whislercemetery.org](http://www.whislercemetery.org).

## **BY-LAWS**

### **Article I**

The name of this corporation shall be WHISLER CEMETERY ASSOCIATION, INC., physical address is 5211 N.W. 206<sup>th</sup>, Edmond, Oklahoma 73003.

### **Article II**

This is a non-profit corporation, and shall have no capital stock. The owner of a lot or any part of a lot, in the burial grounds established by this corporation shall, by virtue of such proprietorship, be a member of this corporation, and eligible to vote at its meetings and eligible to hold any of its offices.

### **Article III**

Section 1. The annual meeting of the members of this corporation shall be held on the first Saturday following Memorial Weekend. The time and place of the annual meeting shall be set by the President.

Section 2. Notice of the time and place of the annual meetings shall be posted at the cemetery on Memorial Day weekend and on the website as soon as it is set.

Section 3. The purpose of the annual meeting is to elect officers and to conduct the business of the corporation.

Section 4. The By-Laws are to be reviewed at the annual meeting every five (5) years beginning in the year 2000.

Section 5. If it becomes necessary, a special meeting of the members may be called at any time by the President, or in his/her absence, by the Vice-President.

Section 6. The President, or in his/her absence, the Vice-President, shall preside at all meetings.

Section 7. At every such meeting, each member is entitled to cast one vote, either by him/her in person, or by proxy. All proxies shall be in writing and shall be filed with the Secretary prior to the meeting and entered in the minutes of the meeting. Officers and Trustees shall be elected by a majority of the members present.

## **Article IV**

Section 1. The property of the corporation shall be managed by a board of three (3) trustees, a chairman, a clerk and a member. Each member shall be a member of the corporation. All deeds shall be signed by two (2) trustees.

Section 2. The Trustees shall be elected by the members at the annual meeting. Trustees shall serve for a period of three (3) years with one trustee being elected each year.

Section 3. The trustee that is re-elected, shall be elected to serve in his/her present position, be it chairman, clerk, or member, unless said trustee chooses not to be re-elected. At such time, the remaining trustees will move up (clerk to chairman and member to clerk), and a new trustee will be elected to serve in the member position.

Section 4. The Chairman may call a special meeting of the trustees at any time he/she feels that it is necessary. Also, the trustees shall be notified of any special meeting of the members of the Corporation.

Section 5. Any Vacancies in the Board of Trustees that may occur during the year shall be temporarily filled by appointment by the President of the Corporation until the next annual meeting.

## **Article V**

Section 1. The officers of the Corporation shall be a President, a Vice-President, a Secretary – Treasurer, and an Assistant Secretary-Treasurer, who shall be elected for a term of one year and shall hold office until their successors are duly elected and qualified. A member may serve as a trustee while holding an office in the corporation.

Section 2. The President shall preside at all meetings, and shall have general supervision over the affairs of the Corporation, over other officers and shall perform all such other duties as are incident to said office. In case of absence or disability of the President, said duties shall be performed by the Vice-President.

Section 3. The Secretary-Treasurer shall notify all of the officers and trustees of all meetings and shall attend and keep minutes of the same: shall have charge of all corporate books, records and papers: shall be custodian of the corporate seal, all

deeds, evidence of membership and written contracts of the corporation; shall have custody of all money and securities of the corporation, and shall keep regular books of account and shall submit them together with all vouchers, receipts, records and other papers at the meetings. The Secretary-Treasurer shall also perform all other such duties as are incident to said office. In case of absence or disability of the Secretary-Treasurer, said duties shall be performed by the Assistant Secretary-Treasurer.

## **Article VI**

Section 1. The funds of this Corporation shall be deposited in a bank designated by the President and Trustees, and shall be withdrawn only upon checks signed by the Secretary-Treasurer or Assistant Secretary-Treasurer.

## **Article VII**

Section 1. Normal lots in WHISLER CEMETERY are sixteen feet (16') wide (four spaces, each 4' wide) and from twelve to twenty feet (12'-20') in length (East to West). The spaces in each lot shall be numbered 1-2-3-4 from left to right (North to South).

Section 2. Any new lots to be laid out shall be sixteen feet (16') wide and twelve feet (12') in length (East to West).

Section 3. One (1) person per space and up to four (4) cremated persons per space. One Memorial for all four (4) outer burial containers starting at the Memorial. All requests or unusual circumstances are to be brought before the Corporation.

- a. Second right interment will allow cremated remains to be interred at the foot of and above an existing casket. Whisler Cemetery Association has the right to charge an additional fee for such interment.
- b. Memorials that are footstones, or secondary to the primary memorial, shall be no more than 7" (seven) inches in height.
- c. Memorials can be granite benches as a headstone only.

Section 4. No trees shall be planted in the Cemetery, except those planted by the Corporation.

Section 5. All permanent shrubs and flowers in containers must be approved by the Corporation.

Section 6. No one shall be allowed to own more than four (4) lots (sixteen spaces) in the Cemetery.

Section 7. The transfer of ownership of any spaces must be approved by the Corporation.

Section 8. Benches that are not part of a headstone memorial can only be placed in the cemetery by the Whisler Cemetery Association, Inc. All others are subject to removal at the discretion of the Association.

## **PURPOSE**

These By-Laws, Rules and Regulations are designed for the mutual protection of the Owner of the Interment Rights within the Cemetery. Their enforcement will help protect the Cemetery and create and preserve its beauty. These By-Laws, Rules and Regulations have been adopted as the By-Laws, Rules and Regulations of the Cemetery, and all Owners of Interment Rights, visitors and persons performing work within the Cemetery shall be subject to these By-Laws, Rules and Regulations, and all amendments or modifications hereto, as shall be adopted by the Cemetery from time to time.

## **DEFINITIONS**

1. The term “Cemetery” shall mean that cemetery named on the cover page of these By-Laws, Rules and Regulations.
2. The term “contractor” shall mean any person, firm or corporation engaged in setting any vault or memorial, or performing any other work on the Cemetery grounds.
3. The term “grave” means a space of ground in the Cemetery used, or intended to be used, for the interment of human remains.
4. The term “Interment” means the disposition of human remains by burial or inurnment.
5. The term “Interment Right” shall mean the particular right to enter the remains of a deceased person in a specific interment space within the Cemetery, subject to the limitations set forth herein.
6. The term “memorial” shall mean a monument, tombstone, grave marker, tablet or headstone identifying a grave or graves.

7. The term “outer burial container” shall refer to the rigid outer container used to surround a casket or a cremated remains container, and shall include the products commonly known as vaults and grave liners.
8. The term “Owner” shall mean the owner of an Interment Right or Rights within the cemetery, as reflected in the Cemetery’s records.
9. The term “plot” means space in the Cemetery used, or intended to be used, for the interment of human remains. The term includes and applies to one or more adjoining graves.

### **SUPERVISION OF CEMETERY**

10. The Cemetery reserves the right to compel all persons coming into the Cemetery to obey all By-Laws, Rules and Regulations adopted by the Cemetery.
11. The Cemetery shall take reasonable precautions to protect against loss or damage to property or rights within the Cemetery; but it expressly disclaims all responsibility for loss or damage from causes beyond its reasonable control, and specifically, but not by way of limitation, from loss or damage caused by the elements, an act of God, common enemy, thieves, assailants, vandals, malicious mischief makers, explosion, unavoidable accident, invasion, insurrection, riot, government act or regulation or order of any military or civil authority, whether the loss or damage be direct or indirect.
12. The Cemetery reserves and shall have the right to correct any errors that may be made by it in making interments, or sales, transfers or conveyances of Interment Rights, including the right to substitute and convey in lieu thereof other Interment Rights of comparable value and similar location (to the extent possible) as may be selected by the Cemetery. Alternatively, the Cemetery, in its sole discretion, may refund the amount of money paid on account of the purchase of the Interment Rights. In the event such error shall involve the interment of the remains of any person in an incorrect location, the Cemetery reserves and shall have the right to remove and transfer such remains so interred to the correct location or to a similar location of comparable value, as may be selected by the Cemetery Association. The Cemetery shall have no liability as a result of any errors of the type described in this paragraph other than its obligation to take the remedial actions described in this paragraph.
13. The Cemetery reserves the right to enlarge, reduce, re-plot or change the boundaries or grading of the Cemetery or of a section or sections thereof, from

time to time, including the right to modify or change the locations of, or remove or re-grade, features, roads, drives, trees, shrubs and flowers.

14. The Cemetery shall have sole and exclusive authority with respect to the planting, sodding, surveying and improvements within the Cemetery.
15. If any tree, shrub or plant, by means of its roots, branches, or otherwise, becomes detrimental to the interment space upon which it stands or to any adjacent interment spaces or avenues, or if for any other reason its removal is deemed necessary, the Cemetery Association shall have the right to remove such tree, shrub or plant, or any part thereof, or otherwise correct the condition existing as in its judgment it deems best. In the event of any such removal, the Cemetery shall have no obligation to replace the removed tree, shrub or plant.

### **INTERMENT REGULATIONS**

16. No more than one human remains shall be interred in one interment space, unless specifically authorized in writing by the Owner and next-of-kin or their respective authorized representative(s) and the Cemetery. In the event the Cemetery elects to allow the interment of more than one human remains in a particular interment space, the Cemetery shall charge a separate fee for each right of interment in a particular interment space. Any non-cremated remains interred in a space in the cemetery must be encased in a concrete or steel container, in addition to any casket used.

### **GENERAL REGULATIONS**

17. No dogs or other animals, except guide dogs, shall be permitted in the Cemetery.
18. The possession or consumption of illegal drugs or alcoholic beverages within the Cemetery is strictly forbidden.
  - a) No boxes, shells, toys, alcoholic beverages, glassware, sprinkling cans, receptacles, or similar items (other than vases which have been placed with the Cemetery's permission) will be permitted to be placed on any interment space or elsewhere within the Cemetery, and if placed, the Cemetery may remove any such items.



19. The Cemetery is not responsible for theft or damage to any personal property, including artifacts, personal effects, etc., placed on or near interment spaces or elsewhere in the Cemetery.
20. No benches, chairs or like items shall be permitted to be brought upon the Cemetery grounds, unless authorized in writing by the Cemetery.
21. The Cemetery may remove all floral designs (artificial or natural), flowers, weeds, trees, shrubs, or plants of any kind from the Cemetery as soon as, in the judgment of the Cemetery Association, they become unsightly or diseased, or if they do not conform to the Cemetery's policies.
22. No person shall be permitted to use profane or boisterous language or in any way disturb the quiet and good order of the Cemetery.
23. No trees, shrubs or other plants may be planted by anyone other than the Cemetery Association, except with the express written permission of the Cemetery Association. In the event any such planting is allowed, the Cemetery reserves the right to perform whatever maintenance it deems necessary to preserve the appearance of such landscaping, including complete removal of that landscaping if, in the opinion of the Cemetery Association, it should become unsightly.
24. The Cemetery grounds are sacredly devoted to the burial of the human dead and the provisions and penalties of the law, as provided by statute, will be strictly enforced in all cases of wanton injury, disturbance and disregard of these By-Laws Rules and Regulations.

### **MODIFICATIONS AND AMENDMENTS**

25. The Cemetery hereby reserves the right, at any time or times, with or without notice to Owners, to adopt new By-Laws, Rules and Regulations, or to amend, alter and/or repeal same at any time. A copy of the By-Laws, Rules and Regulations, and any amendments thereto, shall be made available for inspection upon request.
26. Circumstances may arise in which the literal enforcement of the By-Laws, Rules and Regulations may impose unnecessary hardship. The Cemetery, therefore, reserves the right, without notice, to make exceptions, suspensions, or modifications in any of the By-Laws, Rules and Regulations when, in its judgment, the same appear advisable. Any such temporary exceptions, suspension or modifications shall in no way be construed as affecting the general application of these By-Laws, Rules and Regulations.

## **FLORAL RULES AND REGULATIONS**

27. No glass containers, shells, toys, boxes, tin cans, money, alcoholic beverage, or any other loose items, are permitted on graves or memorials at any time.
28. Grave blankets or other appropriate winter decorations are permitted from November 15th until March 1st.
29. Flags, easels, potted plants and grave blankets are permitted five (5) days before until ten (10) days after Memorial Day.
30. Any floral decorations, whether fresh cut, live flowers or artificial, which become unsightly, can and will be removed by the cemetery association at their discretion.
31. All flowers and decorations not removed by the pickup dates will be removed and discarded. Cemetery association will not be responsible for locating these flowers or decorations after removal.

## **PURCHASE PRICE FOR INTERMENT**

32. The cost of an individual space is set at seven hundred dollars (\$700.00). This price is for initial interment of remains or urn.
33. Up to four (4) additional interments, urns only, may be added to a space, at a cost of three hundred dollars each (\$300.00).
34. Prices of each individual space and additional interments, urns only, shall be superseded by current pricing in the bylaws posted online at **[whislercemetery.org](http://whislercemetery.org)**.
35. Any person serving Whisler Cemetery Association as an officer and/or trustee for five or more years may purchase, for immediate family members only, additional spaces at a price of four hundred dollars (\$400.00) per space, or two hundred dollars (\$200.00) for interment of ashes on an existing space.
36. A one hundred (\$100.00) dollar charge will be assessed by a board member for marking a space for burial or headstone placement, to cover his/her expenses.