

(Published in the Tulsa Daily Commerce
& Legal News,

November 4, 2008.)

ORDINANCE NO. 21932

AN ORDINANCE AMENDING TITLE 7, ENTITLED "CEMETERIES," TULSA REVISED ORDINANCES, BY ADDING THERETO CHAPTER 2, ENTITLED "UNCLAIMED BODIES"; PROVIDING PROCEDURES UPON CERTAIN DEATHS; PROVIDING FOR A ROTATION SCHEDULE AMONG PARTICIPATING FUNERAL ESTABLISHMENTS FOR BODIES WITH NO PLACEMENT INSTRUCTIONS; PROVIDING FOR SELECTION OF ALTERNATE FUNERAL ESTABLISHMENT IN EVENT OF INABILITY OF SCHEDULED FUNERAL ESTABLISHMENT TO ACT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY OF TULSA:

Section 1. That Title 7, Tulsa Revised Ordinances, be and the same is hereby amended by adding thereto a new Chapter 2, to read as follows:

"CHAPTER 2

UNCLAIMED BODIES

Section 200. Dead on Arrival Procedures

Section 201. Rotation Schedule among Funeral Establishments for Bodies with no Placement Instructions

SECTION 200. DEAD ON ARRIVAL PROCEDURE

All operators and certified personnel shall comply with the provisions of Title 63 O.S., § 931, *et seq.*, when the subject of the call is dead upon the arrival of emergency or medical personnel at the scene. Determination of one's death shall be made in accordance with applicable state statutes and established protocols, referenced in part in Title 37-A, Tulsa Revised Ordinances.

SECTION 201. ROTATION SCHEDULE AMONG FUNERAL ESTABLISHMENTS FOR BODIES WITH NO PLACEMENT INSTRUCTIONS

In the event of a "dead on arrival" or a body which is available to be released under state law and is located at a hospital or other medical facility, if the next of kin, or other responsible person, gives no instruction to the facility operator and/or individual providing ambulance service directing the place where the body shall be taken, the body shall be delivered to the funeral establishment of a licensed funeral director of the City on a rotational basis established as follows:

A. Each interested funeral establishment certified by the Oklahoma State Funeral Board as doing business in the City shall notify the City Clerk of the City of Tulsa of its intent to participate in the rotation schedule. Such participation may be withdrawn with at least thirty (30) days written notice to the City Clerk for the City of Tulsa, otherwise, it remains effective as long as the funeral establishment legally remains in business in the City. If the license to do business in the City of Tulsa is suspended or revoked, the funeral establishment shall immediately notify the City Clerk, and the funeral establishment shall be removed from the rotation schedule for the period of the suspension or revocation.

B. The City Clerk shall list the participating funeral establishments on a schedule in the order of receipt of their notification. This schedule shall be distributed to the Emergency Medical Services Authority (EMSA), the Telecommunications / Dispatch department of the City of Tulsa, each funeral establishment participating in the rotation, and any other person or entity requesting a copy of the schedule.

C. Each funeral establishment listed on the schedule shall receive bodies under their rotation schedule for a period of one (1) week, after which, the next funeral establishment so listed shall receive all such bodies for one (1) week, until all funeral establishments comprising the total list have participated, at which time the rotation schedule shall repeat itself. Each week shall start at 6:00 a.m. on Monday morning and continue until 6:00 a.m. the following Monday morning. The date and time of the call shall be determined as of the date and time the body has been released by all appropriate authorities as determined by the entity then in possession of the body.

D. If a funeral establishment cannot take possession of the body, as soon as practicable, it shall notify and explain the situation to the City, either orally or in writing, and request another funeral establishment be authorized to take possession of the body.

If a funeral establishment does not take possession of a body within twenty-four (24) hours after the call requesting transport service is made and has not notified the City as provided herein, the City may authorize the next funeral establishment in the rotation to take possession of the body. In such event, the funeral establishment shall

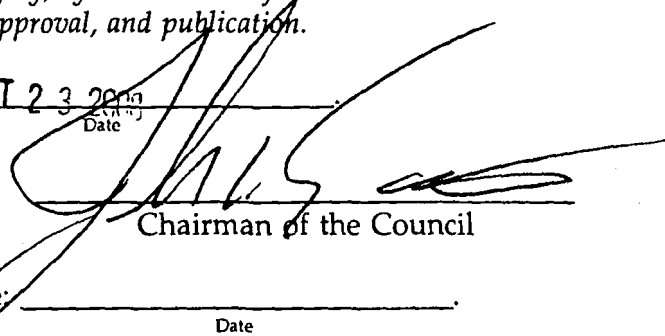
submit a written explanation for the failure to the City Clerk within ten (10) calendar days.

E. The City Clerk shall review participation requests, conduct hearings, and make the determinations required for the proper and efficient implementation and enforcement of the requirements of this chapter."

Section 2. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

Section 3. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith be and the same are now expressly repealed.

Section 4. EMERGENCY CLAUSE. That an emergency is now declared to exist for the preservation of the public peace, health and safety, by reason whereof this ordinance shall take effect immediately from and after its adoption, approval, and publication.

ADOPTED by the Council: OCT 23 2008
Date

Chairman of the Council

ADOPTED as an emergency measure: _____
Date

Chairman of the Council

OFFICE OF THE MAYOR

Received by the Mayor: _____, at _____
Date Time

Kathy Taylor, Mayor

By _____
Secretary

APPROVED by the Mayor of the City of Tulsa, Oklahoma:

OCT 27 2008

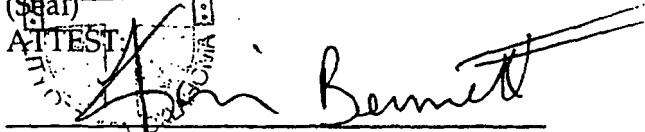
Date

at 2:00 p.m.
Time



Mayor





DEPUTY City Clerk

APPROVED:



City Attorney