

# HOUSE BILL No. 1090

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 23-14.

**Synopsis:** Maintenance of cemeteries on private property. Requires a property owner that has a cemetery located on the owner's property to maintain the cemetery. Makes the failure to maintain the cemetery a Class C infraction. Provides that if a property owner cannot be located: (1) the township shall maintain the cemetery; or (2) if the township does not have the appropriated funds to maintain the cemetery, the county may maintain the cemetery.

**Effective:** July 1, 2020.

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January 7, 2020, read first time and referred to Committee on Local Government.

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Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

# HOUSE BILL No. 1090

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 23-14-68-2 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. **Except as provided**  
3 **in IC 23-14-78**, the trustee of each township shall locate and maintain  
4 all the cemeteries described in section 1(a) of this chapter that are  
5 within the township. However, a cemetery association claiming  
6 assistance under this chapter shall furnish a verified statement of assets  
7 and liabilities to the township trustee.

8 SECTION 2. IC 23-14-78 IS ADDED TO THE INDIANA CODE  
9 AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE  
10 JULY 1, 2020]:

11 **Chapter 78. Maintenance of Cemeteries on Private Property**

12 **Sec. 1. This chapter applies to an owner of property that**  
13 **contains a cemetery.**

14 **Sec. 2. As used in this chapter, "cemetery" means land in which**  
15 **human remains are interred, entombed, or inurned. The term does**  
16 **not include a cemetery that is subject to IC 23-14-33 through**  
17 **IC 23-14-76.**



1           **Sec. 3. A property owner shall maintain a cemetery that is**  
2 **located on the owner's property.**  
3           **Sec. 4. For purposes of this chapter, the maintenance of a**  
4 **cemetery includes the following:**  
5           **(1) Resetting and straightening all monuments.**  
6           **(2) Leveling and seeding the ground.**  
7           **(3) Constructing fences where there are none and repairing**  
8 **existing fences.**  
9           **(4) Destroying and cleaning up detrimental plants (as defined**  
10 **in IC 15-16-8-1), noxious weeds, and rank vegetation.**  
11           **(5) Mowing the lawn.**  
12           **Sec. 5. A property owner who fails to perform the property**  
13 **owner's duties under this chapter commits a Class C infraction.**  
14           **Sec. 6. (a) If the property owner of a cemetery cannot be located**  
15 **upon reasonable inquiry, the township shall maintain the cemetery**  
16 **under IC 23-14-68.**  
17           **(b) If a township does not have sufficient funds appropriated**  
18 **under IC 23-14-68-4 to maintain the cemetery as described in**  
19 **subsection (a), the county may maintain the cemetery under**  
20 **IC 23-14-67.**  
21           **Sec. 7. Nothing in this chapter allows a property owner who is**  
22 **maintaining a cemetery under this section to sell or furnish plots**  
23 **(as defined in IC 23-14-33-25).**

