
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 791 Session of
2019

INTRODUCED BY MULLERY, CALTAGIRONE, SCHLOSSBERG, JAMES, KINSEY,
HILL-EVANS, LONGIETTI, KORTZ, READSHAW, FREEMAN, MILLARD,
MURT, CIRESI, NEILSON, WARNER AND GILLEN, MARCH 12, 2019

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MARCH 12, 2019

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in public improvements, utilities and
3 services, providing for burial grounds; and making a related
4 repeal.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Title 53 of the Pennsylvania Consolidated
8 Statutes is amended by adding a chapter to read:

9 CHAPTER 63

10 BURIAL GROUNDS

11 Sec.

12 6301. Scope of chapter.

13 6302. Definitions.

14 6303. Care of neglected burial ground.

15 § 6301. Scope of chapter.

16 This chapter relates to the care of burial grounds.

17 § 6302. Definitions.

18 The following words and phrases when used in this chapter

1 shall have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 "Governing body." The body, board or council authorized by
4 law to enact ordinances or adopt resolutions for a municipality.

5 "Municipality." A county, city, borough, incorporated town,
6 township of the first class or home rule municipality. The term
7 excludes a township of the second class.

8 § 6303. Care of neglected burial ground.

9 (a) Direction and supervision by court.--If an incorporated
10 or unincorporated burial ground within a municipality is being
11 neglected so as to become a nuisance, the court of common pleas
12 of the county in which the burial ground is located may direct
13 that the burial ground be placed in the care of the governing
14 body of the municipality, under the direction and supervision of
15 the court.

16 (b) Petition.--Upon the petition of at least 25 residents
17 who reside within a five-mile radius of the burial ground under
18 subsection (a), the court of common pleas under subsection (a)
19 may order the governing body of the municipality to cut down and
20 remove all brush, grass, briars and weeds growing in the burial
21 ground and place the grounds in good order and condition. The
22 cutting down and removal shall occur at least twice annually
23 before May 30 and before August 15 and at any other time as the
24 court orders.

25 (c) Costs.--The costs incurred by a municipality under this
26 section shall be paid out of the municipality's treasury, but in
27 no case shall the governing body of the municipality expend more
28 than \$5,000 on any one burial ground in any one year for the
29 purposes of this section.

30 (d) Access to burial ground.--The burial ground under

1 subsection (a) shall remain open to the public, in accordance
2 with any conditions which the court of common pleas under
3 subsection (a) may order.

4 Section 2. Repeals are as follows:

5 (1) The General Assembly declares that the repeal under
6 paragraph (2) is necessary to effectuate the addition of 53
7 Pa.C.S. Ch. 63.

8 (2) The act of May 10, 1923 (P.L.198, No.144), entitled
9 "An act authorizing courts of quarter sessions to commit the
10 care of certain burial grounds to the councils of boroughs,
11 township commissioners and township supervisors of townships;
12 and requiring boroughs and townships to pay the expenses in
13 connection therewith," is repealed.

14 Section 3. The addition of 53 Pa.C.S. Ch. 63 is a
15 continuation of the act of May 10, 1923 (P.L.198, No.144).
16 Except as otherwise provided in 53 Pa.C.S. Ch. 63, all
17 activities initiated under the act of May 10, 1923 (P.L.198,
18 No.144) shall continue and remain in full force and effect and
19 may be completed under 53 Pa.C.S. Ch. 63. Orders, regulations,
20 rules and decisions which were made under the act of May 10,
21 1923 (P.L.198, No.144) and which are in effect on the effective
22 date of section 2 of this act shall remain in full force and
23 effect until revoked, vacated or modified under 53 Pa.C.S. Ch.
24 63. Contracts, obligations and collective bargaining agreements
25 entered into under the act of May 10, 1923 (P.L.198, No.144) are
26 not affected nor impaired by the repeal of the act of May 10,
27 1923 (P.L.198, No.144).

28 Section 4. This act shall take effect in 90 days.