

IC 23-14-46

Chapter 46. Cemetery Rules and Regulations and Exclusive Rights

IC 23-14-46-1

Powers of owner

Sec. 1. (a) Subject to subsection (b), the owner of a cemetery:

- (1) may make, adopt, and enforce rules and regulations:
 - (A) for the use, care, control, management, restriction, and protection of all parts and subdivisions of the cemetery;
 - (B) for restricting, limiting, and regulating the use of all property within the cemetery;
 - (C) for regulating the care of plants or shrubs within the grounds and preventing the introduction of certain types of plants or shrubs;
 - (D) for regulating the conduct of persons and preventing improper assemblages in the cemetery; and
 - (E) for all other purposes considered necessary by the owner of the cemetery for the proper conduct of the business of the cemetery and the protection and safeguarding of the premises and the principles, plans, and ideals on which the cemetery was organized; and
- (2) may periodically amend, add to, revise, change, modify, or abolish the rules and regulations.

(b) A cemetery to which this chapter applies may not adopt a rule or regulation in conflict with IC 23-14-33 through IC 23-14-57, except as expressly permitted by IC 23-14-39, IC 23-14-40, or IC 23-14-41.

As added by P.L.52-1997, SEC.20.

IC 23-14-46-2

Penalties for rule violation

Sec. 2. The owner of a cemetery may:

- (1) prescribe penalties for the violation of a rule or regulation adopted under section 1 of this chapter; and
- (2) recover penalties prescribed under subdivision (1) in a civil action.

As added by P.L.52-1997, SEC.20.

IC 23-14-46-3

Requirements

Sec. 3. Rules and regulations adopted by a cemetery under section 1 of this chapter shall be:

- (1) plainly printed or typewritten; and
- (2) kept available for inspection and copying at the usual place for transacting the regular business of the cemetery.

As added by P.L.52-1997, SEC.20.

IC 23-14-46-4

Restrictions on imposition of monetary penalty

Sec. 4. The owner of a cemetery may not, because of the nonpayment of periodic care charges, impose a monetary penalty that attaches against a burial space if:

- (1) the burial space was conveyed by the cemetery after June 14, 1939, and the conveyance was subject to IC 23-14-48 or IC 23-14-1-12 (before its repeal); or
- (2) the owner of the burial space or the owner's heirs or representatives can document previous payment of perpetual care or endowed care charges.

As added by P.L.52-1997, SEC.20.

IC 23-14-46-5

Restrictions on public notice

Sec. 5. A public notice, including a notice of nonpayment, may not be attached to any lot, grave, gravestone, marker, or memorial upon a lot for the purpose of enforcing a penalty for the nonpayment of perpetual care charges.

As added by P.L.52-1997, SEC.20.

IC 23-14-46-6

Powers and duties of person in charge of cemetery

Sec. 6. The sexton, superintendent, manager, director, or other person in charge of a cemetery has the same powers, functions, duties, and authority granted by law to a peace officer within the jurisdiction in which the cemetery is located for the purpose of:

- (1) maintaining order; and
- (2) enforcing:
 - (A) the rules and regulations of the cemetery;
 - (B) the laws of Indiana; and
 - (C) the ordinances of the city or town in which the cemetery is situated;

within the cemetery and within an area immediately outside the cemetery as large as necessary to protect the property of the cemetery.

As added by P.L.52-1997, SEC.20.

IC 23-14-46-7

Exclusive rights of owner

Sec. 7. Because the owner of a cemetery is responsible for the performance of the care and maintenance of the cemetery, a cemetery owner has the exclusive right to:

- (1) open and close a grave or grave space, burial space, crypt, or niche in the cemetery;
- (2) set or install a:
 - (A) marker;
 - (B) monument; or
 - (C) any type of memorial;in the cemetery; and
- (3) install any kind of foundation or other type of base for the marker, monument, or any type of memorial in the cemetery.

This exclusive right may also be exercised by the authorized representative of the owner of the cemetery.

As added by P.L.52-1997, SEC.20.

IC 23-14-46-8

Violation of chapter; Class B misdemeanor

Sec. 8. A person who knowingly violates this chapter commits a Class B misdemeanor.

As added by P.L.52-1997, SEC.20.