

IC 23-14-72

Chapter 72. Annexation of Unincorporated Cemetery

IC 23-14-72-1

Application of chapter

Sec. 1. This chapter does not apply to a cemetery:

- (1) in which the interment of dead bodies has been forbidden before May 31, 1917, by ordinance passed by a city in Indiana; or
- (2) that has been condemned for use for the interment of dead bodies by the action of:
 - (A) the state department of health; or
 - (B) a local board of health.

As added by P.L.52-1997, SEC.46.

IC 23-14-72-2

Extension of incorporated cemetery boundaries

Sec. 2. If:

- (1) the grounds of a cemetery that is platted but not incorporated adjoin or are contiguous to the grounds of a cemetery that is incorporated under Indiana law; and
- (2) a petition that:
 - (A) seeks the incorporation of the grounds of the unincorporated cemetery into the incorporated cemetery; and
 - (B) is signed by a majority of the owners of lots in the unincorporated cemetery;

is filed with the board of trustees or board of directors of the association of the incorporated cemetery;

the association may extend the boundaries of the incorporated cemetery to include the grounds of the unincorporated cemetery.

As added by P.L.52-1997, SEC.46.

IC 23-14-72-3

Levying assessments

Sec. 3. After the grounds of an unincorporated cemetery are brought into an incorporated cemetery under section 2 of this chapter, the association of the incorporated cemetery may periodically levy an assessment against each lot that was brought into the incorporated cemetery to provide a fund with which to maintain and provide for the upkeep of the lots.

As added by P.L.52-1997, SEC.46.

IC 23-14-72-4

Sale of lot for failure to pay assessments

Sec. 4. (a) As used in this section, "lot" includes a half-lot.

(b) If:

- (1) the owner of a lot fails to pay an assessment imposed under section 3 of this chapter within the time allowed by the bylaws of the association of the incorporated cemetery; and
- (2) the lot is not occupied by a grave;

the incorporated cemetery may sell the lot to satisfy the unpaid assessment after following the procedure set forth in subsection (c).

(c) The association of an incorporated cemetery may sell a lot under this section if:

(1) the association provides:

(A) notice in a writing addressed individually to the owner of the lot; or

(B) if the address of the owner is unknown, notice by publication once each week for a period of two (2) weeks in a newspaper of general circulation that is printed and published in the county in which the cemetery is located;

stating that the lot may be sold unless the assessment is paid within thirty (30) days after the date of the writing delivered under clause (A) or the second publication under clause (B); and

(2) the assessment is not paid within the period referred to in subdivision (1).

As added by P.L.52-1997, SEC.46.

IC 23-14-72-5

Collection of fixed amount for upkeep and maintenance

Sec. 5. (a) An incorporated cemetery that extends its boundaries to include the grounds of an unincorporated cemetery under section 2 of this chapter, instead of levying a periodic assessment against the owner of a lot under section 3 of this chapter, may collect a fixed amount from the owner in full satisfaction of all future assessments against the lot for the upkeep and maintenance.

(b) A cemetery association that receives money from the owners of lots under subsection (a) shall:

(1) hold and invest the money as a fund for the upkeep and maintenance of the lots; and

(2) expend only the income earned from the investment of the money under subdivision (1) in the care of the lots.

(c) After a cemetery association receives money from the owners of lots under subsection (a), the association shall keep and care for the lots.

As added by P.L.52-1997, SEC.46.