

IC 23-14-69

Chapter 69. Establishment of Public Cemeteries by Townships

IC 23-14-69-1

Application of chapter

Sec. 1. This chapter applies to the following:

- (1) A public cemetery that belongs to a township.
- (2) An addition to a public cemetery that belongs to a township.

As added by P.L.52-1997, SEC.43.

IC 23-14-69-2

Nonapplicability of chapter

Sec. 2. This chapter does not apply to the following:

- (1) A cemetery that is owned or controlled by a city, a town, or a voluntary association.
- (2) A cemetery that is maintained by a township under IC 23-14-68.

As added by P.L.52-1997, SEC.43.

IC 23-14-69-3

Care and maintenance

Sec. 3. A township trustee shall care for and maintain each cemetery to which this chapter applies that is located in the township, keeping the cemeteries in a respectable condition by:

- (1) destroying detrimental plants (as defined in IC 15-16-8-1), noxious weeds, and rank vegetation; and
- (2) removing all unsightly accumulations and debris.

As added by P.L.52-1997, SEC.43. Amended by P.L.2-2008, SEC.49.

IC 23-14-69-4

Donated land

Sec. 4. (a) The township trustee may accept donations of land suitable for a public cemetery if the township trustee considers acceptance of the land to be in the best interests of the township.

(b) Donated land shall be:

- (1) conveyed to the township;
- (2) set apart by the trustee for a public cemetery; and
- (3) kept in good condition and repair by the township trustee.

As added by P.L.52-1997, SEC.43.

IC 23-14-69-5

Purchase of land

Sec. 5. (a) If:

- (1) no land suitable for a public cemetery is donated to a township; and
- (2) if the township legislative body adopts a resolution approving the purchase;

the township executive may purchase land for the purpose of establishing a public cemetery.

(b) When land is purchased and conveyed to the township under

subsection (a), the land must be set apart, kept in repair, and used as provided in section 6 of this chapter.

As added by P.L.52-1997, SEC.43.

IC 23-14-69-6

Use of cemetery

Sec. 6. A public cemetery of a township may be used by the inhabitants of the township for the interment of the dead. The township trustee may prescribe regulations governing the use of the cemetery.

As added by P.L.52-1997, SEC.43.

IC 23-14-69-7

Duties of township trustee

Sec. 7. (a) When a township acquires title to land by donation, purchase, or otherwise for a public cemetery, the trustee of the township shall:

- (1) lay out the land in lots with streets and walks;
- (2) plat the land; and
- (3) record the plat in the office of the recorder of the county.

(b) For recording a plat under subsection (a), the recorder shall collect the same fees as are allowed for similar recordings.

(c) The lots laid out and platted under subsection (a) must be numbered. A specific part of the lots must be:

- (1) set apart; and
- (2) designated on the plat;

for a potter's field.

(d) After the plat has been recorded, the township trustee shall appoint:

- (1) one (1) disinterested freeholder of the township; and
- (2) one (1) disinterested appraiser licensed under IC 25-34.1;

who are residents of Indiana to appraise and fix the value of all the lots on the plat, except the part assigned to the potter's field under subsection (c). The appraisal shall be filed with and preserved by the township trustee.

As added by P.L.52-1997, SEC.43. Amended by P.L.113-2006, SEC.18.

IC 23-14-69-8

Private sale of lots

Sec. 8. (a) The township trustee may sell and convey the lots in a cemetery to which this chapter applies at a private sale to persons who desire to purchase them. The trustee shall not sell a lot under this subsection at less than the value fixed for the lot under section 7 of this chapter.

(b) The proceeds of the sale of lots in a cemetery under subsection (a) shall be used to pay the expenses that the township trustee may incur under this chapter for the cemetery. Any surplus shall be held as a fund for use in keeping the cemetery in repair.

(c) The township trustee shall keep an accurate account of:

- (1) the money received by the township trustee for the purpose of keeping the cemetery in repair; and
- (2) the sums that the township trustee has paid out, and for which the trustee has taken vouchers.

As added by P.L.52-1997, SEC.43.

IC 23-14-69-9

Payment of expenses

Sec. 9. All expenses incurred by the township trustee for administering this chapter shall be paid out of the township fund of the township.

As added by P.L.52-1997, SEC.43.