



General Assembly

Substitute Bill No. 202

February Session, 2008

* SB00202PD 041808 *

**AN ACT CONCERNING THE ACQUISITION OF ABANDONED
CEMETERIES BY MUNICIPALITIES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) (a) For the purpose of this
2 section, "abandoned cemetery" means a cemetery in which no burial
3 has been made during the previous forty years and in which the lots or
4 graves have not been maintained during the previous ten years except
5 for maintenance rendered by the municipality in which such cemetery
6 is located.

7 (b) Any municipality may acquire an abandoned cemetery,
8 including ownership of any unoccupied lots or grave sites in such
9 cemetery. Such municipality may cause a survey of such cemetery to
10 be completed in order to ascertain the extent of such cemetery. The
11 municipality shall use due diligence in identifying any owners of the
12 abandoned cemetery or any of the cemetery's unoccupied lots or grave
13 sites and shall provide notice to such owners of the municipality's
14 intention to acquire the abandoned cemetery. In the event that a
15 municipality is unable to locate such an owner, the municipality shall
16 publish notice of its intention to acquire the abandoned cemetery in a
17 newspaper having a general circulation in such municipality. Such
18 notice shall be published for a period of three successive weeks.

19 (c) The notice described in subsection (b) of this section shall give a

20 basic description of the abandoned cemetery, by reference to the
21 municipality's tax maps, and shall set a date and place where
22 objections to the acquisition of the cemetery by the municipality will be
23 heard.

24 (d) Any owner who receives notice pursuant to subsection (b) of this
25 section may reassert his or her right of ownership over the abandoned
26 cemetery, unoccupied lot or grave site, as applicable, by sending
27 written notice of his or her objection to the municipality not later than
28 fourteen days after his or her receipt of notice pursuant to subsection
29 (b) of this section. Any owner who reasserts his or her rights pursuant
30 to this subsection shall promptly comply with all municipal ordinances
31 concerning such abandoned cemetery, unoccupied lot or grave site.

32 (e) In the event that no objection is received by the municipality
33 pursuant to subsection (d) of this section within fifteen days of the last
34 date of publication of the notice described in subsections (b) and (c) of
35 this section, title to such abandoned cemetery and any unoccupied lots
36 or graves shall vest in such municipality. Whenever title vests in a
37 municipality pursuant to this subsection, such municipality shall
38 record a confirmation of such vesting, including a basic description of
39 the cemetery, on the land records of the municipality in which such
40 cemetery is located.

41 (f) If title to an abandoned cemetery vests with a municipality
42 pursuant to subsection (e) of this section, such municipality shall
43 maintain title to such cemetery and shall not transfer title to such
44 cemetery. For any such cemetery, the municipality that gains title
45 pursuant to subsection (e) of this section shall maintain the
46 characteristics of such cemetery and make no changes in the use of
47 such cemetery land.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

GAE *Joint Favorable Subst.*

PD *Joint Favorable*