

# Laws Regarding Cemeteries in Indiana

## **IC 14-21-1-2**

Defines an artifact as an object made, modified, or used before December 31, 1870.

## **IC 14-21-1-3**

Defines burial ground as ground where there are human remains including the area that is either marked by a visible boundary or determined by the Department of Natural Resources – Division of Historic Preservation and Archaeology.

## **IC 14-21-1-4**

Defines burial object as any thing intentionally placed in a burial ground at or near the time of burial.

## **IC 14-21-1-13.5**

Authorizes the Department of Natural Resources – Division of Historic Preservation and Archaeology to conduct a survey program of every cemetery and burial ground in Indiana

## **IC 14-21-1-7**

Defines human remains

## **IC 14-21-1-24**

Makes it illegal to farm or conduct animal husbandry in a cemetery

## **IC 14-21-1-26.5**

A person may not disturb the ground within 100 feet of a burial ground for the purpose of erecting, altering or repairing any structure or for excavating or covering over the ground without having a development plan approved by Department of Natural Resources – Division of Historic Preservation and Archaeology. While the word cemetery has been taken out of this law (and only uses burial ground) this law still impacts all cemeteries.

## **IC 14-21-1-27**

A person finding human remains must notify Department of Natural Resources – Division of Historic Preservation and Archaeology within two days. Reburial will in compliance with state laws.

## **IC 14-21-1-28**

Makes it illegal to disturb the ground for the purpose of discovering or removing artifacts, burial objects, grave markers, or human remains without a plan with the Department of Natural Resources – Division of Historic Preservation and Archaeology. Temporary rule allows for non-scientific investigation in a cemetery to allow for probing in order to conduct tombstone preservation.

### **IC 14-21-1-29**

If you find an artifact, notification of our department must be within two days.

### **IC 14-21-2**

Discusses removal of grave memorial with a new stone must be reported to the County Recorder; Makes selling grave artifacts illegal

### **IC 14-21-3**

Before a person buys property containing a cemetery, the current owner must record the deed in the recorder's office with CEMETERY in bold, capital letters on the bottom of the deed

### **IC 23-14-26**

Discusses the creation of Cemetery Commissions at the county level

### **IC 23-14-57**

Describes how cemeteries and human remains are disinterred

### **IC 6-1.1-6.8**

A person with a cemetery on his/her land may have the value of the land (where the cemetery is located) assessed for \$1.00 per acre.

### **IC 23-14**

Defines a cemetery, discusses care of cemeteries in use, surveys of cemeteries, and other aspects of cemeteries in use.

### **IC 23-14-68**

Care of Cemetery by Township

- \*Cemeteries without funds for maintenance

- \*In Existence before February 28, 1939

- \*Not managed by any viable organizations

Defines what the Township Trustee must do

- \*Reset and straighten all monuments

- \*Level and seed the ground

- \*Construct fences

- \*Destroy detrimental plant, noxious weed, and rank vegetation

### **IC 35-43**

Criminal Mischief - allows for a person to be convicted under the criminal mischief law if they vandalize a cemetery

**These are just snippets of the laws. To see the entire law, go to <http://www.in.gov/legislative/iac/>, put in the code and the law will be displayed.**