

HB3204



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3204

by Rep. Keith P. Sommer

SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-49-1

from Ch. 24, par. 11-49-1

Amends the Illinois Municipal Code. Makes a technical change in a Section regarding cemeteries.

LRB098 10219 OMW 40378 b

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Municipal Code is amended by
5 changing Section 11-49-1 as follows:

6 (65 ILCS 5/11-49-1) (from Ch. 24, par. 11-49-1)

7 Sec. 11-49-1. Cemeteries; permitted activities.

8 (a) The corporate authorities of each ~~each~~ municipality may
9 establish and regulate cemeteries within or without the
10 municipal limits; may acquire lands therefor, by purchase or
11 otherwise; may cause cemeteries to be removed; and may prohibit
12 their establishment within one mile of the municipal limits.

13 (b) The corporate authorities also may enter into contracts
14 to purchase existing cemeteries, or lands for cemetery
15 purposes, on deferred installments to be paid solely from the
16 proceeds of sale of cemetery lots. Every such contract shall
17 empower the purchasing municipality, in its own name, to
18 execute and deliver deeds to purchasers of cemetery lots for
19 burial purposes.

20 (c) The corporate authorities of each municipality that has
21 within its territory an abandoned cemetery may enter the
22 cemetery grounds and cause the grounds to be cleared and made
23 orderly. Provided, in no event shall the corporate authorities

1 of a municipality enter an abandoned cemetery under this
2 subsection if the owner of the property or the legally
3 responsible cemetery authority provides written notification
4 to the corporate authorities, prior to the corporate
5 authorities' entry (1) demonstrating the ownership or
6 authority to control or manage the cemetery and (2) declining
7 the corporate authority authorization to enter the property. In
8 making a cemetery orderly under this Section, the corporate
9 authorities of a municipality may take necessary measures to
10 correct dangerous conditions that exist in regard to markers,
11 memorials, or other cemetery artifacts but may not permanently
12 remove those items from their location on the cemetery grounds.
13 If an abandoned cemetery is dedicated as an Illinois nature
14 preserve under the Illinois Natural Areas Preservation Act, any
15 actions to cause the grounds to be cleared and kept orderly
16 shall be consistent with the rules and master plan governing
17 the dedicated nature preserve.

18 (d) In this Section:

19 "Abandoned cemetery" means an area of land containing more
20 than 6 places of interment for which, after diligent search, no
21 owner of the land or currently functioning cemetery authority
22 objects to entry sought pursuant to this Section, and (1) at
23 which no interments have taken place in at least 3 years; or
24 (2) for which there has been inadequate maintenance for at
25 least 6 months.

26 "Diligent search" includes, but is not limited to,

1 publication of a notice in a newspaper of local circulation not
2 more than 45 but at least 30 days prior to entry and cleanup of
3 cemetery grounds by the corporate authorities of a
4 municipality. The notice shall provide (1) notice of the
5 corporate authorities' intended entry and cleanup of the
6 cemetery; (2) the name, if known, and geographic location of
7 the cemetery; (3) the right of the cemetery authority or owner
8 of the property to deny entry to the corporate authorities upon
9 written notice to those authorities; and (4) the date or dates
10 of the intended cleanup.

11 "Inadequate maintenance" includes, but is not limited to,
12 the failure to cut the lawn throughout a cemetery to prevent an
13 overgrowth of grass and weeds; the failure to trim shrubs to
14 prevent excessive overgrowth; the failure to trim trees so as
15 to remove dead limbs; the failure to keep in repair the drains,
16 water lines, roads, buildings, fences, and other structures of
17 the cemetery premises; or the failure to keep the cemetery
18 premises free of trash and debris.

19 (Source: P.A. 92-419, eff. 1-1-02.)