

A.C.A. § 20-17-905

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Title 20 Public Health And Welfare
Subtitle 2. Health And Safety
Chapter 17 Death and Disposition of the Dead
Subchapter 9 -- Cemeteries Generally

A.C.A. § 20-17-905 (2012)

20-17-905. Abandonment.

(a) The circuit court of the county may order the removal of the dead from an abandoned cemetery which lies outside the limits of any city of the first class of one hundred thousand (100,000) or more in population.

(b) Notice of the filing of a petition for the removal of the dead from an abandoned cemetery under this section shall be in a newspaper having general circulation in the county where the cemetery is located, and hearing on the petition shall be held not earlier than twenty (20) days following this publication.

(c) Upon the hearing, if the court finds that the cemetery is abandoned as defined in subsection (e) of this section, it shall authorize the removal of the dead to another cemetery for which a permanent maintenance fund has been established as provided in § 20-17-1013.

(d) After removal of the dead from a cemetery pursuant to this section, the petitioners shall file with the court a report that the removal has been done, and thereupon the court shall enter an order declaring the cemetery abandoned for cemetery purposes. Upon the entry of the order, the property shall become subject to taxation like other property.

(e) For the purposes of this section, an "abandoned cemetery" is a cemetery:

- (1) For which no permanent maintenance fund as provided in § 20-17-1013 has been established;
- (2) Which is not suitably maintained and preserved as a cemetery;
- (3) In which there have been no interments for a period of fifteen (15) years; and
- (4) Which contains at least six (6) permanent grave markers.

HISTORY: Acts 1965, No. 392, §§ 1-3; A.S.A. 1947, §§ 82-431 -- 82-433; Acts 1993, No. 403, § 14; 2005, No. 2001, § 1.