

CHAPTER 13. MISCELLANEOUS

§ 901. Unlawful to use, lease or sell for drilling, mining, or prospecting; penalty

A. It shall be unlawful to use, lease, or sell any tract of land which is platted, laid out, or dedicated for cemetery purposes and in which human bodies are interred, on any part of such tract, for the purpose of prospecting, drilling, or mining; provided that the prohibition of leasing contained in this Section shall not apply to any oil, gas, or mineral lease that contains a stipulation forbidding drilling or mining operations upon that portion of the leased premises which is included within the cemetery.

B. Whoever violates this Section shall be fined not less than one hundred dollars nor more than five hundred dollars, or be imprisoned for not less than thirty days nor more than six months, or both, and each day during which drilling, mining, or prospecting is conducted or prosecuted shall be considered a separate offense.

Acts 1974, No. 417, § 1. Amended by Acts 2022, No. 574, § 1.

§ 902. Underground burials; depth

Any cemetery sexton or other person digging graves for underground interments shall dig sufficiently deep to allow for at least two feet of soil to cover the entire area of the casket, unless the interment is in a burial vault, coping, or lawn crypt.

Acts 1974, No. 417, § 1. Amended by Acts 2022, No. 574, § 1.

§ 903. Maintenance of cemetery spaces more than fifty years old; sale of repaired abandoned cemetery spaces

A. Cemetery authorities may renovate and repair but not demolish, at their own cost or in conjunction with any private, state, or federal grant or fund, cemetery spaces within their cemeteries that are more than fifty years old and which have deteriorated, when the record owner or his spouse or heirs have neglected to do such renovation within one year after written notice mailed by registered or certified mail to the last known address of the last record owner on the records of the cemetery authority, the posting of notice on each of such cemetery spaces, and advertising in the official journal of the parish or municipality notifying the owner thereof that such renovation and repair will be made, unless the owner thereof objects by written notice to the office of the cemetery authority before the end of the one year period. Upon failing to receive any objections, after due notice has been given, the cemetery authority may proceed with the repairs or renovations with impunity.

B. Cemetery authorities may require the payment of all documented repair or renovation costs before any such renovated or repaired interment space may thereafter be used.

C. The repaired space shall revert to the ownership of the cemetery authority in the case of municipal, religious, and nonprofit cemeteries when the cemetery authority has been unable to locate, after diligent efforts, any of the owners or their successors or heirs for a period of three years following the repair or renovation, and such cemetery authority may take possession of such interment spaces and sell and convey same subject to rules and regulations as set forth in R.S. 8:308(A).

Acts 1974, No. 417, § 1. Amended by Acts 1978, No. 747, § 1, eff. July 17, 1978. Amended by Acts 1991, No. 289, § 4; Acts 1991, No. 430, § 1; Acts 1992, No. 82, § 1. Amended by Acts 2022, No. 574, § 1.

§ 903.1. Cemeteries; maintenance of vaults and wall vaults more than fifty years old; reclamation by authority

A. Cemetery authorities of municipal, religious, and nonprofit cemeteries may renovate, repair, and maintain vaults and wall vaults in question, at their own cost or in conjunction with any private, state, or federal grant or fund, vaults and wall vaults over fifty years old, or vaults and wall vaults located in cemeteries more than one hundred years old, which have deteriorated or are in a ruinous state under the following conditions:

(1) In the event that the cemetery authority has no evidence of ownership or interments in the vault or wall vault in question, it may immediately make the repairs, renovations, and maintenance and after same have been completed, publish as part of a general notice in the official journal of the parish or municipality a notice notifying all persons that if no one comes forward to the office of the cemetery authority with written evidence of ownership of the vault or wall vault in question within sixty days of the date of publication then the cemetery authority shall have the right to reclaim the ownership of the vault or wall vault in question and resell same.

(2) In the event that there is evidence of an interment or interments in the vault or wall vault in question, and the cemetery authority has no evidence of ownership, the remains may be immediately removed and temporarily reinterred at another location, and the cemetery authority shall then have the power to immediately make the renovations, repairs, and maintenance necessary, and the same notice procedure set forth in Paragraph (1) of this Subsection shall be followed, except that all persons shall have six months to come forward to the office of the cemetery authority and present written evidence of ownership in the vault or wall vault in question, and in the event that anyone fails to do so within the time prescribed, then the vault or wall vault may be reclaimed by the cemetery authority and resold.

(3) In the event that records of the cemetery authority indicate that there is a record owner of the vault or wall vault in question, the remains, if any, may be immediately removed and temporarily reinterred at another location, and the cemetery authority shall have the right and power to immediately make the necessary renovations, repairs, and maintenance, then the cemetery authority shall attempt to contact the owner by registered or certified mail at his last known address, and also publish as part of a general notice in the official journal of the parish or municipality in question a notice stating that in the event the owner or his heirs fail to come forward to the office of the cemetery authority within six months of the date of the notice and submit written proof of ownership, then the vault or wall vault in question may be reclaimed and resold by the cemetery authority.

(4) In addition to the notifications called for in Paragraphs (1), (2), and (3) of this Subsection, the cemetery authority shall also post a common or general sign or notice in a conspicuous place in the cemetery informing the public of the above so that claimants may come forward in the manner prescribed in this Section to assert their rights.

(5) Under no circumstances shall the cemetery authority be prevented from doing repairs, renovations, and maintenance to vaults or wall vaults if same are necessary for the preservation of the section of vaults or wall vaults in question or the beautification of the cemetery. If it becomes necessary to remove remains therefrom, the cemetery authority shall have this right and power as set forth above, but the remains shall be

kept separate until the herein prescribed time period has elapsed so that they can be identified.

(6) After the renovations, repairs, and maintenance have been completed and the prescribed time period has lapsed, and the cemetery authority has reclaimed the ownership of the vault or wall vault in question, then all of the remains removed in accordance with the provisions of this Paragraph, shall be interred in a common burial place, but the cemetery authority shall retain records, tablets, stones, and other information regarding which vaults or wall vaults were removed from and the interments therein, and the names of the deceased persons in question, if they are available.

(7) Under no circumstances shall this Subsection be construed to prevent a cemetery authority from immediately making repairs, renovations, or maintenance of wall vaults in the event that it is necessary for the protection of the health and welfare of the general public.

(8) If a person comes forward to the cemetery authority within the time periods prescribed in Paragraphs (1) through (3) of this Subsection with satisfactory written evidence of ownership or title to the vault or wall vault in question, the cemetery authority may require that he pay his pro rata share, to be reasonably determined by the cemetery authority, of all actual costs and expenses of repairs, renovations, and maintenance before the vault or wall vault may thereafter be used by him and his title thereto confirmed. If there is some other impediment or objection to reuse of the vault or wall vault in question, he shall still pay their pro rata share of all costs as set forth in this Section to confirm his title to same, otherwise ownership or title may be reclaimed by the cemetery authority and the space resold. Under no circumstances shall the owner of the vault or wall vault in question be able to object to the repairs, renovations, and maintenance done or to be done if it is necessary for the preservation of the section of vaults, or wall vaults in question, or the protection of the health and welfare of the general public.

B. The provisions in this Section shall be inapplicable with respect to any tomb, vault, or wall vault placed in perpetual care.

Added by Acts 1982, No. 564, § 1. Amended by Acts 1991, No. 289, § 4; Acts 1992, No. 82, § 1. Amended by Acts 2022, No. 574, § 1.

§904. Speculative sales and purchases prohibited; penalties

A. It is declared to be against the public policy of this state for any person, firm, corporation, association, or other legal entity to speculate in interment spaces. Accordingly, it shall be unlawful for any person, firm, corporation, association, or other legal entity, except a licensed cemetery authority, to sell or buy an interment space or spaces for the purpose of resale at a profit.

B. Whoever violates this Section shall be fined no more than five hundred dollars or be imprisoned for not more than six months, or both, for each interment space bought or sold.

Acts 1974, No. 417, § 1. Amended by Acts 2022, No. 574, § 1.

§ 905. Upkeep of cemeteries; local ordinance authorized; penalty; definition of "shareholder"

A. Each municipality having a population of twenty-five thousand or less persons according to the latest federal decennial census and having a commission form of government shall be authorized to adopt an ordinance requiring owners or shareholders of a cemetery to insure that the owner or corporation's cemetery

is kept neat and orderly.

B. Such a municipality may also adopt as a penalty a fine not to exceed five hundred dollars or imprisonment for not more than six months, or both.

C. As used in this Section, "shareholder" means any person who owns a controlling share or a majority of the stock of the cemetery corporation.

Added by Acts 1984, No. 289, § 1. Amended by Acts 2022, No. 574, § 1.

§ 906. Additional ad valorem tax; Evangeline Parish

Notwithstanding the rate limitations of R.S. 8:105 and of R.S. 33:2740.1 but otherwise in accordance with R.S. 8:104 and 105, the governing authority of Evangeline Parish may levy an ad valorem tax not in excess of two mills when the proposed tax is approved by a majority of the qualified electors voting on the proposition at an election held for that purpose and conducted in accordance with the Louisiana Election Code.

Added by Acts 1996, 1st Ex.Sess., No. 27, § 1.

§ 907. Interment of pet remains

A. The interment of pet remains in a cemetery may be available to an owner of a cemetery space and other persons having the right of interment in a cemetery space only in those circumstances where all of the following occur:

(1) The cemetery space is in a cemetery or a specifically designated section of a cemetery where no prior interments of human remains have been made and is dedicated by the cemetery authority to be used for the interment of human remains with cremated pet remains by an official act of dedication or an amendment to an existing dedication filed in accordance with R.S. 8:304(B).

(2) The interment is incidental to the interment of human remains, whether before, concurrent with, or after the interment of the pet remains.

(3) Written authorization for the interment of the cremated remains of a pet has been given by the owner of the cemetery space or a person having the right of interment in a cemetery space in accordance with the adopted rules and regulations of the cemetery authority. The cemetery authority shall have no duty or responsibility to determine the ownership of the pet remains or right of the person authorizing the interment of pet remains to make the disposition thereof.

(4) The use of such cemetery spaces complies with the rules and regulations adopted by the cemetery authority.

(B) Pet remains disposed of in accordance with the provisions of this Section shall be cremated, stored in a closed receptacle, and placed in a grave, vault, crypt, or niche. The cemetery authority shall provide a list of approved charges for the interment of such remains, and a cemetery authority may limit the types of pets and the types of interment of pets remains allowed in a cemetery.

(C) Nothing in this Section shall be construed as requiring a cemetery authority to allow interment of pet remains in a cemetery not dedicated for such purposes in accordance with this Section.

(D) Cremated pet remains shall be considered personal property and, as such, may be included in an interment subject to the terms of this Section and the rules and regulations of a cemetery authority as permitted in this Title.

(E) Nothing in this Section shall operate to cancel or modify preexisting contracts related to cemeteries, interments, or dispositions.

(F) In accordance with this Section, there shall be no liability for a cemetery authority for permitting the interment of cremated pet remains or for not permitting the interment of pet remains in a cemetery that has not been dedicated for the purpose of interment of pet remains.

Added by Acts 2023, No. 20, § 1.

§ 908. Abatement of public health or safety risk in abandoned cemeteries

A. A governing body of a municipal or parochial government may authorize the use of that government's labor and resources to abate a public health or safety risk of an abandoned cemetery when the cemetery is located within the jurisdiction of the municipal or parochial government. The abatement of such risk shall take place at the sole and complete discretion of the governing body upon a majority vote finding that the conditions in the abandoned cemetery present a public health or safety risk and that such abatement constitutes a public purpose. For the purposes of this Section, "abandoned cemetery" has the meaning ascribed to it in R.S. 25:933.

B. (1) Nothing in this Section shall be interpreted to authorize either of the following:

(a) The disturbance of graves or the moving or removal of human remains.

(b) The moving or removal of any grave markers, whether temporary, perishable, or otherwise.

(2) In the event that exposed human remains are found during abatement activities, the municipal or parochial government or a volunteer who is undertaking the abatement shall notify the appropriate state authorities in accordance with R.S. 8:680. A municipal or parochial government employee or volunteer shall notify the board during the course of an abatement if the employee or volunteer finds that burials are continuing to be made in an otherwise abandoned cemetery.

(C) In the event of a declared disaster under R.S. 29:721 et seq., the parish president or the chief elected official of a municipality, as appropriate based upon a cemetery's location, may abate, pursuant and subject to R.S. 29:726.4, any public safety risk or public health hazard in a public or private cemetery caused by the declared disaster.

Added by Acts 2024, No. 450, § 1.