



Romney Building, 10th Floor
Lansing, Michigan 48909
Phone: 517/373-6466

ACQUISITION OF ABANDONED CEMETERIES BY TOWNSHIPS

House Bill 5905

Sponsor: Rep. Andrew Richner

Committee: Regulatory Affairs

Complete to 6-9-98

A SUMMARY OF HOUSE BILL 5905 AS INTRODUCED 6-2-98

Public Act 49 of 1895 provides that when a township board of trustees receives a written complaint signed by ten residents that a privately owned cemetery has become commons, neglected or abandoned, become a public nuisance, impedes the growth of a city or village in the township, or presents a public health danger, the township board must immediately start proceedings to vacate the cemetery as provided in the act. The proceedings include requiring the board of trustees to file a petition in circuit court within 30 days after the complaint is received (or a freeholder resident of the township can file the petition). If the evidence supports that the cemetery should be vacated for any of the reasons stated above, the court has to order that the cemetery be vacated as a burial place in whole or in part as prescribed in the act.

House Bill 5905 instead would specify that the township could begin proceedings to vacate or acquire and maintain a privately owned cemetery either after receiving a petition signed by ten residents or by a township resolution that supported the fact that the cemetery was abandoned. Proceedings to vacate or acquire and maintain a cemetery could also be made if the cemetery had become commons, neglected or abandoned, became a public nuisance, impeded the growth of a city or village in the township, or presented a public health danger. The current provision pertaining to the township filing a petition in circuit court would remain the same. The circuit court would have to order that the cemetery either be vacated or acquired and maintained if it determined that the evidence supported such a determination. If a township acquired a cemetery, the township would have to arrange for the long-term maintenance and upkeep of it. The bill would also update the act by deleting and rewriting archaic language.

MCL 128.31, 128.33, and 128.34

Analyst: S. Stutzky

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.