

CEMETERIES

Act 546.

An act to provide for public cemetery districts.
[Approved March 6, 1909. Stats 1909 p.156.]

Section 1. Whenever a board of county supervisors shall receive the petition of a majority of the electors enumerated upon the great register as residing within a district in such county, definitely described in such petition requesting that the said district be organized as a public cemetery district, they shall organize such public cemetery district as provided in this act.

Section 2. Such public cemetery district shall be managed by three trustees, appointed by the board of supervisors from the electors residing therein; but if a majority of the resident electors shall, in their petition, designate the names of the trustees whom they shall desire to be appointed, the board of supervisors shall appoint the persons so named. The trustees shall hold for four years, and their successors be appointed in like manner.

Section 3. Such cemetery trustees shall maintain a cemetery for the use of all inhabitants of the district, and for that purpose shall be capable of holding title to property in trust for the district, taking property by grant, gift, devise or any other method, and doing all acts necessary or proper for managing the affairs of the district, including the selling or leasing of burial lots.

Section 4. The said cemetery trustees may annually certify to the county board of supervisors the amount of money necessary to be raised by taxation for maintaining the cemetery of the district, and the board of county supervisors shall thereupon include in the annual tax levy a tax upon all the property within such cemetery district, sufficient to raise the amount demanded by the trustees, but not exceeding two mills on each dollar of assessed valuation within the district.

Section 5. The tax so collected, together with all other moneys received by the trustees shall be paid into the county treasury, and constitute a separate fund to be expended solely for the purposes of the cemetery district upon warrants signed by not less than two of the cemetery trustees.

Section 6. The trustees shall as soon after the first day of July in each year as is practicable, file with the county board of supervisors a report, setting forth all their doings during the preceding year, and containing an itemized account for all their receipts and disbursements up to and including the thirtieth day of June, together with proper vouchers therefor.

Section 7. The trustees shall make proper rules and regulations for the management of the cemeteries under their control, and all laws now in existence relating to cemeteries, and not inconsistent with this act shall apply to the cemeteries provided for in this act.

CHAPTER 652

An act to provide for the organization and government of public cemetery districts.

[Approved June 1, 1921. In effect July 31, 1921]

The people of the State of California do enact as follows:

Section 1. Whenever a petition signed by a majority or more of the electors whose names appear upon the last great register of the county as residing within territory definitely described in such petition, requesting that the said territory be organized into a public cemetery district, shall be presented to the board of supervisors of the county in which said territory is situated as a regular or special meeting of said board, said board of supervisors shall by resolution at said meeting fix a time for the hearing of said petition at not less than two nor more than five weeks from the time of presentation thereof and shall cause notice to be given of the time and place of said hearing by publication in some newspaper of general circulation printed and published in said county for not less than two weeks prior to the time of said hearing. The petition may consist of any number of separate instruments. Said notice shall contain one copy of said petition but the names attached to said petition need not be included in said notice or publication. Said notice shall state that any person residing or owning property within said proposed district may appear before said board at said hearing and show cause why said petition should not be granted or the boundaries thereof changed.

Section 2. At the time fixed for said hearing said board of supervisors shall hear said petition and shall determine whether or not said petition complies with the requirements hereinbefore set forth and whether or not the notice required herein has been published as required, and must hear all competent and relevant testimony offered in support of or in opposition thereto. Said hearing may be adjourned from time to time for the determination of said facts, not to exceed two weeks in all. No defect in the contents of the petition or in the title to or from of the notice or signatures, or lack of signatures thereto, shall vitiate any proceeding thereof, provided such petition or petitions have sufficient qualified signatures attached thereto. The determination of the board shall be expressed by resolution.

Section 3. If the board of supervisors shall determine that the petitioners have complied with the requirements herein set forth and that the notice required herein has been published as required, it shall thereupon proceed to a final hearing of the matter. Said board shall make such changes in the boundaries of the proposed district as it may deem advisable and shall define and establish such boundaries. Any person residing or owning property within said proposed district may appear before said board of supervisors at said hearing, in person or by attorney or agent, and oppose the creation of said district or request a change in the boundaries thereof and may produce evidence in support of his opposition or request.

Section 4. A finding of the board of supervisors in favor of the genuineness and sufficiency of the petition and notice shall be final and conclusive against all persons except the State of California upon suit commenced by the attorney general. Any such suit must be commenced within one year after the order of the board of supervisors declaring such district organized as herein provided, and not otherwise.

Section 5. Upon the conclusion of the hearing of said matter said board shall, by an order entered on its minutes approve the said petition, as originally presented, or in a modified form, and declare the territory embraced within the boundaries established by said board as herein provided duly organized as a cemetery district. Said board shall then cause a copy of such order, duly certified, to be immediately filed for record in the office of the county recorder of such county. From and after such filing, the organization of such district shall be complete.

Section 6. Such cemetery district shall be governed and managed by three trustees, appointed by the board of supervisors from electors residing therein. The trustees shall hold office for four years and until the appointment and qualification of their successors, and shall serve without compensation.

Section 7. Such cemetery district shall have power to adopt and use a common seal and to sue and be sued by its name.

Section 8. Said district shall maintain a cemetery for the use of all inhabitants of the district, and for that purpose shall be capable of holding title to property, taking property by grant, gift, devise, lease, or any other method, and doing all acts necessary or proper for the carrying out of the purposes, of this act, including the selling or leasing of burial lots.

Section 9. The said board of cemetery trustees shall annually, at or before the time fixed by law for the levy of county taxes, estimate and certify to the board of supervisors the amount of money necessary to be raised by taxation for maintaining the cemetery of the district, and the board of supervisors shall thereupon include in the annual tax levy a tax upon all the property within each cemetery district sufficient to raise the amount so certified by the trustees, but not exceeding two mills on each dollar of assessed valuation within the district.

Section 10. Said tax shall be collected by the same officers and in the same manner as other county taxes and the same, together with all other moneys received by the trustees, shall be paid into the county treasury and shall constitute a separate fund to be expended solely for the purposes of the cemetery district upon warrants issued by the county auditor on orders signed by not less than two of said cemetery trustees.

Section 11. The trustees shall, as soon after the first day of July in each year as is practicable, file with the county board of supervisors a report, setting forth all their transactions during the preceding fiscal year, and containing an itemized account of all their receipts and disbursements during said fiscal year, together with proper vouchers therefor.

Section 12. The trustees shall make proper rules and regulations for the management of the cemeteries under their control, and all laws now in existence or which may hereafter be enacted relating to cemeteries, and not inconsistent with this act, shall apply to the cemeteries provided for in this act.

CHAPTER 301

An act to amend sections one and eight of an act entitled "An act to provide for the organization and government of public cemetery districts," approved June 1, 1921, relating to cemetery districts.

[Approved by the Governor May 22, 1925.]

The people of the State of California do enact as follows:

Section 1. Section one of the act entitled "An act to provide for the organization and government of public cemetery districts," approved June 1, 1921, is hereby amended to read as follows:

Section 1. Whenever a petition, signed by not less than fifty citizen owners of land located within the proposed district, whose names appear as such owners of land upon the last completed assessment roll of the county in which a majority of the acreage of said proposed district is situated, which petition shall definitely describe the boundaries of the proposed district and request that the territory within said boundaries be organized into a public cemetery district, shall be presented to the board of supervisors of the county in which a majority of the acreage of said proposed district is situated, at a regular or special meeting of said board, the said board of supervisors, by resolution, shall fix a time for the hearing of said petition at not less than two nor more than five weeks from the time of presentation thereof, and shall cause notice to be given of the time and place of said hearing, by publication in some newspaper of general circulation, printed and published in said county, for not less than two weeks prior to the time of said hearing. The petition may consist of any number of separate instruments which shall be duplicates, except as to signatures thereto. The said notice shall contain a copy of said petition, but the names attached to the petition need not be included in said notice or publication. Said notice shall state that any person residing in or owning property within said proposed district may appear before said board at the hearing of said petition and show cause why the said petition should not be granted or the proposed boundaries of said district changed.

Section 2. Section eight of the act entitled "An act to provide for the organization and government of public cemetery districts," approved June 21, 1921, is hereby amended to read as follows:

Section 8. Said district may maintain a cemetery or cemeteries for the use of all inhabitants of the district, or may maintain and care for all public streets, alleys, ways, and places, in any cemetery within the said district, and for said purposes shall be capable of holding title to property, taking property by grant, gift, devise, lease, or any other method, and of doing all acts necessary or proper for the carrying out of the purposes of this act, including the selling or leasing of burial lots. Said cemetery district may embrace contiguous lands in one or more counties.