**A** **BILL**

TO AMEND SECTION 6‑1‑35, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PRESERVATION AND PROTECTION OF CEMETERIES, SO AS TO AUTHORIZE THE GOVERNING BODY OF A COUNTY OR MUNICIPALITY TO ADOPT BY ORDINANCE THE REQUIREMENT THAT CEMETERY OWNERS AND OPERATORS SHALL MAINTAIN, PRESERVE, AND PROTECT THE CEMETERY, AND TO PROVIDE A PROCEDURE FOR ENFORCEMENT OF THE ORDINANCE.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 6‑1‑35 of the 1976 Code is amended to read:

“Section 6‑1‑35. (A)(1) Counties and municipalities are authorized to maintain, preserve, and protect any cemetery located within its jurisdiction which the county or municipality determines has been abandoned or is not being maintained and are further authorized to expend public funds and use county or municipal inmate labor, in the manner authorized by law, in connection with the cemetery.

(2) Notwithstanding another provision of law, each county and municipality of the State are authorized to:

(a) provide by ordinance that the owner or operator of an active cemetery located in the county or municipality shall maintain, preserve, and protect the cemetery and keep it free of rubbish, debris, or any other unhealthy conditions that constitute a public nuisance; however, an ordinance enacted pursuant to this subsection must not be solely for aesthetic purposes; and

(b) provide by ordinance for notification from the designated county or municipal official to the cemetery owner or operator of the conditions needing correction, require the owner or operator take action as necessary to correct the conditions, provide the terms and conditions under which an employee of the county or municipality, or a person employed for that purpose, may enter the cemetery to correct the conditions, and provide that no more than the actual cost of the cemetery maintenance or clean up becomes a lien upon the cemetery and is collectable as a county or municipal tax.

(B) As used in this section, the term ‘maintain, preserve, and protect’ ~~means~~ includes, but is not limited to, all reasonable measures designed to keep the cemetery safe from destruction, peril, or other adversity, rubbish, debris, or unhealthy conditions and may include the placement of signs, markers, fencing, or other appropriate features so as to identify the site as a cemetery and so as to aid in the maintenance, preservation, and protection of the ~~abandoned~~ cemetery.”

SECTION 2. This act takes effect upon approval by the Governor.

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