

Kentucky Historical Society
PIONEER CEMETERY PROGRAM



THE STEELE-REESE FOUNDATION

Kentucky Historical Society

PIONEER CEMETERY PROGRAM

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Criteria for Designation as a Pioneer Cemetery

The Kentucky Historical Society's Pioneer Cemetery Program is established in order for families to document, preserve, restore and maintain their family cemetery which marks the resting place of the pioneers of their family and pioneers of the community in which they lived.

Designation of a cemetery as a "Pioneer Cemetery" will help bring recognition to the cemetery as well as recognition to the descendants who have lovingly attempted to restore the dignity and respect that was given to their family members when they died and were buried in the family cemetery.

Cemeteries designated as a "Pioneer Cemetery" are the keepers of stories and the history of those who decided to settle in a particular community. Community leaders and residents should take a keen interest in the resting places of those who were the first ones to call an area home and thus began the settlement that evolved into the communities they enjoy today.

In order for a family cemetery to be designated as a Kentucky Historical Society Pioneer Cemetery, the following criteria must be met and documented:

- (1) The cemetery was established and receiving burials by **1842**. (Documented by photographs of the pre-1842 grave marker or other historical documentation)
- (2) The boundaries of the cemetery can be documented
- (3) The graves of individuals who were living in Kentucky prior to 1800.
- (4) A cemetery for which over 10% of the existing gravestones are for individuals who died prior to 1850.
- (5) For a large municipal cemetery only that portion that contains graves with dates prior to 1842 and 10% of existing gravestones of individuals who died prior to 1850 will be considered and designated as a Kentucky Pioneer Cemetery.
- (6) The cemetery has been cared for and cleaned of debris.
- (7) The cemetery has been mapped, according to accepted methods of mapping (see "Tips for Mapping a Cemetery" and an example of quadrant mapping included here.)
- (8) The cemetery is registered with the Kentucky Historical Society's Cemetery Preservation Program. Cemeteries accepted as a Pioneer Cemetery will become a part of KHS's inclusive Registry of Kentucky's Pioneer Cemeteries.
- (9) The cemetery is marked with a Kentucky Historical Society's Pioneer Cemetery Marker designating the cemetery as a Kentucky Historical Society Pioneer Cemetery (optional.)
- (10) Documentation of the GPS coordinates for this cemetery.

Cemeteries accepted as a Pioneer Cemetery will become part of KHS's Registry of Kentucky Pioneer Cemeteries. In addition, the cemetery will be marked with a special KHS Pioneer Cemetery Marker, with the cost of the marker to be paid by the applicant.

To enroll a cemetery in the program, fill out the application form and marker purchase form. Be sure to include the accompanying documentation requirements (pg. 7).

PIONEER CEMETERY DESIGNATION APPLICATION

Return form to:
Pioneer Cemetery Preservation Program
100 West Broadway, Frankfort, KY 40601
Phone: 502-564-1792, Fax: 502-564-4701
KHScemeteries@ky.gov

The Kentucky Historical Society is maintaining a database of all cemeteries and burial sites in the state to provide a permanent record for preservation and educational purposes. In accompaniment to this database, the Society is implementing the Kentucky Pioneer Cemetery Program which will allow persons to designate a family cemetery as a Pioneer Cemetery. Such designation requires that: (1) The cemetery be established and receiving burials by 1842 (photographs, pre-1842 grave marker or historical documentation); (2) Cemetery boundaries can be identified; (3) The cemetery includes graves of individuals who were living in Kentucky prior to 1800; (4) A cemetery for which more than 10% of the existing gravestones have a death date prior to 1850.

Please complete all information that you know; write "Unsure" for any question for which you cannot obtain the answer.	
Name of cemetery:	Current date:
Location of cemetery (address):	County:
	GPS location of the cemetery:
Owner of the cemetery:	Is the cemetery still in use (active burials)?
	Please list the boundaries of this cemetery (Eg. 40 feet by 50 feet):
Describe how to get to this cemetery:	Total number of acres in cemetery:
	Approximate number of existing tombstones: _____
	Fieldstones? __Y__N How many? _____
Type of Owner: Religious group Private family burial ground Non-profit organization Sole proprietorship Corporate Other	Number of other burial structures (Mausoleums, etc.): _____
	Are there areas where graves are unmarked? __Y__N
	Are there slave graves? __Y__N
How will maintenance be provided? Community or nonprofit organization Cemetery organization, board or committee Church group Volunteers Government Other: _____	How would you rate the current condition of cemetery or burial site? Well maintained and cared for Adequately maintained Needs maintenance Neglected Abandoned
	(Last contact person and phone number _____ _____)

Have arrangements been made for perpetual care and maintenance expenses of the cemetery, i.e. trust fund, nonprofit friends group, etc.? No_____ Yes_____ Explain.

HISTORICAL INFORMATION – Continue on additional sheets if necessary

Earliest death date recorded (must be at least by the year 1842):

Latest death date recorded:

Please list any particularly culturally or historically significant gravesites or other facts concerning this cemetery that would aid in designating this as a Pioneer Cemetery. Please use additional paper to list the names of those buried here prior to 1842.

Notes: Include any additional information that you would like to provide about this cemetery such as religious affiliation, major period of use, relationship of the cemetery to the community or original family owner, etc.

Bibliography and/or references: List all resources that can provide information on this cemetery including books, photographs, records, maps and personal interviews. Continue on additional sheet if necessary.

Map: Please provide a map of the cemetery showing its location in relation to nearest cross streets and/or major natural features (rivers, etc.). Note any buildings adjacent to the cemetery. If necessary, map the cemetery in quadrants. Please use "Tips for Mapping a Cemetery" for assistance (Page ____). Also attached, please see samples of quadrant mapping (Page____.)

Name and address of person completing this designation application:

Phone number:

Email address:

KHS use only:

Date Approved _____

Registry Number _____

KENTUCKY PIONEER CEMETERY HISTORICAL MARKER

Cemeteries that have been enrolled in the KHS Pioneer Cemetery Program will be marked with a special historical marker that designates the site as a Kentucky Pioneer Cemetery.

The markers are purchased through the Kentucky Historical Society. Please contact KHScemeteries@ky.gov for information about the purchase price for each marker.

An unveiling and dedication ceremony will be held at the time the marker is placed. Markers are only available for those cemeteries that have been documented as being a Kentucky Pioneer Cemetery and designated as such by the Kentucky Historical Society.

To purchase a marker please complete the following purchase requisition and submit it with the appropriate reimbursement to:

**Pioneer Cemetery Preservation Program
Kentucky Historical Society
100 West Broadway
Frankfort, KY 40601
Phone: 502-564-1792, Fax: 502-564-4701
KHScemeteries@ky.gov**

You will be notified when the marker has been completed. We will, at that time, make arrangements with the contact person for the dedication ceremony and unveiling of the marker.

**KHS PIONEER CEMETERY PROGRAM
CEMETERY MARKER REQUISITION FORM**

Cemetery name _____

Address _____ City _____ Zip _____

Registration number _____

Pioneer Cemetery contact person(s) _____

Address _____ City _____ Zip _____

Phone number _____ Fax number _____

Email address _____

Signature of person(s) purchasing marker

Organization's Federal ID Number (if applicable) _____

NOTE: If an organization is purchasing a marker and the organization has 501(c) (3) non-profit status, please include a copy of your letter from the IRS with this requisition.

Please include the appropriate payment with this requisition and mail to:

**Kentucky Historical Society
Pioneer Cemetery Program
100 West Broadway
Frankfort, Kentucky 40601**

KHS PIONEER CEMETERY PROGRAM DOCUMENTATION REQUIREMENTS

To join the KHS Pioneer Cemetery Program, complete the designation application form and include the following additional documentation. Send these items, the Cemetery Marker Requisition Form and payment for the marker to:

**Kentucky Historical Society
Pioneer Cemetery Program
100 West Broadway
Frankfort, Kentucky 40601**

Additional Documentation

- (1) Photographs attached indicating the cemetery was established and receiving burials by 1842. Photographs must be of clear quality, be labeled and be attached. Photographs on a disk are preferred.
- (2) Documentation of the boundaries of the cemetery.
- (3) Listing of graves of those living in Kentucky prior to 1800.
- (4) List the number of gravestones of individuals who died prior to 1850. (NOTE: Must be 10% of total number of gravestones.)
- (5) For a large municipal cemetery only that portion that contains graves with dates prior to 1842 and 10% of existing gravestones of individuals who died prior to 1850 will be considered and designated as a Kentucky Pioneer Cemetery.
- (6) Documentation (photographs, etc.) indicating the cemetery has been cared for and cleaned of debris. Photographs must be of clear quality, be labeled and be attached. Photographs on a disk are preferred.
- (7) The cemetery has been mapped. (Enclose copy)
- (8)]The cemetery is registered with the Kentucky Historical Society's Cemetery Preservation Program's database.
- (9) Documentation whether or not this cemetery will be marked with a Kentucky Historical Society's Pioneer Cemetery Marker. (optional)
- (10) GPS Location

TIPS FOR MAPPING A CEMETERY

Below are some procedures to use when you map a cemetery. These are items to try to include on every map, so that future generations will be able to locate these cemeteries.

1. If you are not familiar with the area, you may need to find the cemetery. If locals are not familiar with the name or location of the cemetery, other sources include:
 - City hall (City clerk or police department)
 - County court house (County clerk)
 - Mortuaries
 - Ministers
 - Libraries
 - Genealogical societies or research centers
 - Newspaper office
 - Chamber of commerce
 - Historical societies
 - County road department
2. While you are at these sites, be sure to ask if there is a cemetery map available that you can copy. Sometimes the city has a copy; sometimes the mortuary provides them; sometimes a map is included in a genealogical publication. If only a large version is available, make a rough sketch of the layout before going to the cemetery. You can add landmarks and tombstone markings on site.
3. It is good to ask for the locations of gravesites of people you know are buried there. The people who might have these locations include:
 - City clerks for small town cemeteries with no on-site caretaker
 - Cemetery sextons or on-site caretakers
 - Mortuaries - in many states the mortuary records are not private and include this data
 - Genealogical publications - with luck, the book will include names and site of burial
4. Once you have gathered all of the information you can about the cemetery, you can visit the site. Mark the location of the cemetery using the site's GPS coordinates.
5. If you have a map of the cemetery, check your orientation and make sure you know where you want to go. Mark the names of the streets that border the cemetery and mark north, south, east and west on the map, if known.

If you do not have a map, now is when you want to sketch one. Set the general outline of the whole cemetery. Then line in the main road or circle. Next mark minor roads. This will help define the sections of the cemetery. You can also include other major landmarks, including:

- | | |
|------------------------|---------------------------------------|
| *Chapels or mausoleums | *Creeks or lakes |
| *Bell towers | *Office or work sheds |
| *Flag poles | *Large, singular items - like statues |

6. If you don't have a map, now is when you want to start sketching one. Set the general outline of the whole cemetery and mark North, South, East and West on the map.

Find the burial locations. Once you know where people are buried, look for other landmarks near the burial site that you can place on the map. Look for trees, streams or permanent landmarks to help narrow down the location. Make a drawing of each stone and grave; include the name, dates of birth and death (if possible) and the epitaph if there is one. If there is no stone, but it is obvious a grave is present (sunken earth, only a foot marker, etc.) indicate "unmarked: on the map. Draw the stones facing the compass direction in which they lie. NOTE: Early Christian burials placed the body facing east. If the stones are facing in a different direction, draw them facing that direction. If the grave is marked with a field stone, do not remove the stone, but indicate with an "X" on your map. Indicate at the bottom foot note what the "X" represents. Repeat this process for all the graves in your cemetery. If the cemetery is too large for a single map, divide the cemetery in quadrants and make the map for each quadrant following the directions above for a single cemetery.

7. Be sure to take grass clippers and a brush. Some of these cemeteries do not get mowed often, or well. This will allow you to trim grass away from the stones in order to more easily read names or photograph the stones.
8. When photographing, get in close and get a FULL shot of the headstone. The dates need to be larger and clearer for scanning purposes.

On older white stones, you may need to photograph from an angle to try and get a shadow on the names. Also, be sure to keep your shadow out of the picture. On flat stones, you can always photograph from the back side, upside-down, to prevent a shadow. On upright stones, get low so the sun is over your shoulder or move to the side slightly. Using a mirror to reflect the sun onto the stone will help illuminate the carving for better reading.

9. One of the most important documentations of a cemetery is its GPS (Global Positioning Satellite) location. Many hand-held devices, including smartphones, have GPS capabilities and should be used (when available) for complete documentation of the location of the cemetery.
10. When you finish locating all of the names on your list, recheck your map. Drive through the cemetery and check the roads and landmarks. Make any final corrections and additions.
11. Have images saved to a CD-ROM or USB flash drive. The images can then be sent to anyone as an attachment to an email from the CD-ROM or external drive. The images will be clearer for use on a website because they will not have to be scanned. Plus, it is always important to backup images.

QUADRANT MAPPING

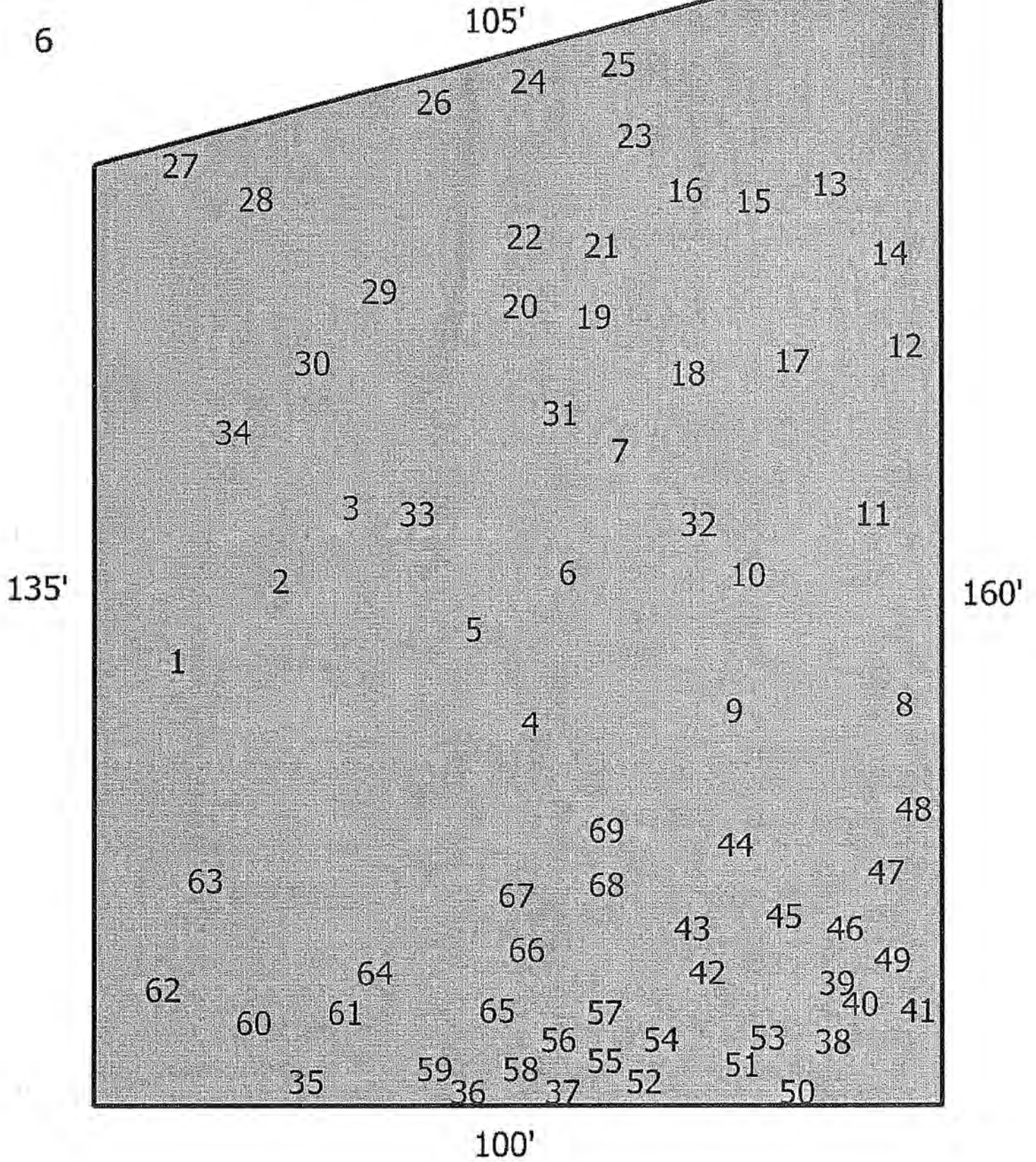
	Elizabeth Wilson	1868	1889	
	Callie Wilson	1877	1919	
(8.)				
	Jane Young	1877	1887	
36.	Sidney Darrle	07-10-1833	09-01-1887	(Dorrel)
37.	Joseph Ralls	1876	00-05-1897	Aged 21
38.	Dicie (Dica) Johnson	1853	07-29-1916	
	John Johnson	1849	1909	
39.	Elijah Tyler Chivis	01-01-1840	11-27-1921	Sgt. Co. I 109 th US Colored
40.	Rock			
41.	G. W. Owens	04-15-1861	12-27-1887	
42.	Lou Owens			
43.	Webb Owens			
44.	Lucy Owens	1830	12-02-1928	
45.	Marker			
46.	Marker			
47.	Rock			
48.	Henry Shaw	1859	07-22-1934	
49.	Elizabeth (Lizzy) Shaw	1862	1880	
50.	Estil Shaw	1893		
51.	Amella Shaw	1897		
52.	Rock			
53.	Rock			
54.	Rock			
55.	Rock			
56.	Harrison Hamilton	1881		H. J. H.
57.	Aurelia (Arelia)	09-27-----	07-29-1953	
58.	Marker			
59.	Marker			
60.	Marker			
61.	Rock			
62.	Rock			
63.	Marker			
64.	Jim Henry Johnson	1849	1914	
65.	Julia Burns	1870	1892	
66.	Rock			
67.	Marker			H. B.

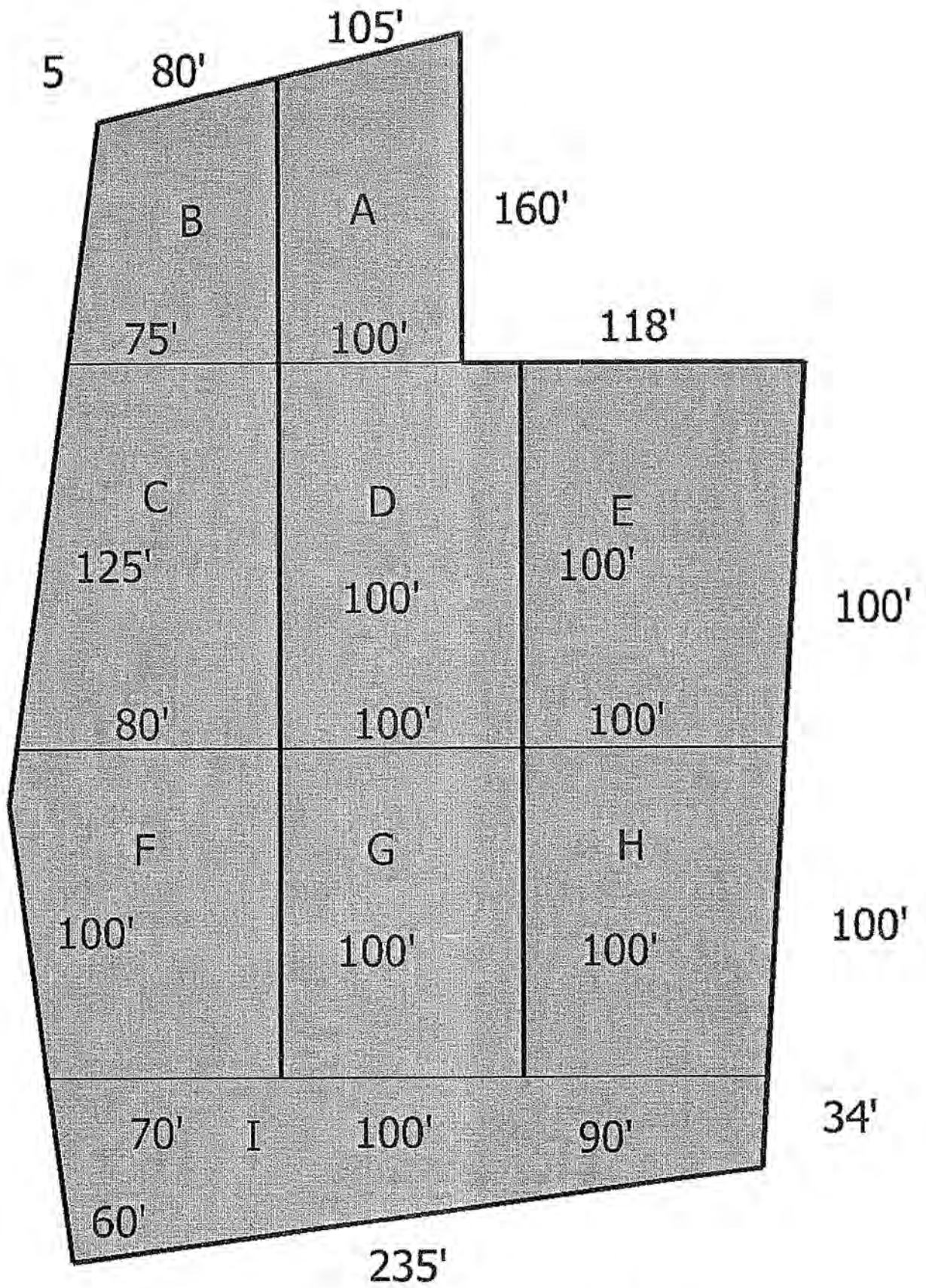
(7.)

H ENRYVILLE NAME	SECTION A BIRTH	DEATH	2007 REMARKS
1. Charles Lewis	1850	1904	Presented by Robt. Lewis
Easter Lewis	1845	11-29-1918	
2. Stone unreadable			
3. John R. Stout	08-24-1892	01-28-1893	Son of WHS&LB
4. Jary (Jerry) Numan	07-00-1848	01-25-1891	
5. Eliga Evans How(e)	1832	1920	Co.B 123 rd US Colored
Bebitha (Tobetha) A.	1835	1916	
6. Fannie Rogers	1847	1918	
7. John Taylor	03-12-1880	03-10-1898	Son of Hiudey & Bell
8. Jane Thornton	1853	Alive in 1910	
9. Isaac Adams (Wife America)	1830	1882	Co. B 100 th US Colored
10. Louis Holldy (Holiday)	1822	02-26-1887	Aged 65
Ester Holiday			
11. Emmia Thomson	04-18-1865	02-10-1889	
12. Elder Henson Clay	1834	1918	5 th US Colored Calvary
13. Cinthia Morgan	04-16-1813	09-26-1895	
14. Unknown			
15. Rock			
16. Rock			
17. Marker			
18. Rock			
19. Rock			
20. Rock			
21. Rock			
22. Rock			
23. Annie Vice	11-15-1886	09-07-1960	
24. Rock			
25. Rock			
26. Rock			
27. Rock			
28. Rock			
29. Rock			
30. Rock			
31. Marker			
32. Rock			
33. Rock			
34. Rock			
35. James Morrison Wilson	1837	1907	Co. E 119 th US Colored
Eliza A. Wilson	01-18-1844	02-02-1919	

HENRYVILLE CEMETERY SECTION A

Grave Location Guide





HENRYVILLE CEMETERY PLOT MAP
2007

KENTUCKY CEMETERY LAWS

KENTUCKY REVISED STATUTES AS THEY RELATE TO CEMETERIES (Revised Sept 2006):

61.350 Cemetery companies and burying grounds, penalty for failure to enforce laws relating to.

Any civil or judicial officer in this state who fails or refuses to enforce any statute bearing upon cemetery company burying grounds shall be fined twenty-five dollars (\$25) for each failure or refusal.

Effective: October 1, 1942

History: Recodified 1942 Ky. Acts ch. 208, § 1, effective October 1, 1942, from Ky. Stat. § 208.

67.680 County cemetery board.

- (1) A county acting under authority of this section may by ordinance create a county cemetery board that may ap the Department for Local Government for grants to restore and maintain nonprofit cemeteries that do not rec perpetual care funds pursuant to KRS 367.952.
- (2) The county cemetery boards shall meet three (3) times annually in space provided by the fiscal court and shal five (5) volunteer members with no more than three (3) representing the same political party. Members shall l appointed by the county judge/executive with approval of the fiscal court, shall have lived in the county for at one (1) year prior to appointment, and shall have demonstrated an interest in cemetery preservation, genealo local history, or a related area.

Effective: July 15, 2002

History: Created 2002 Ky. Acts ch. 276, § 3, effective July 15, 2002.

Legislative Research Commission Note (7/15/2002). Under the authority of KRS 7.136, the Reviser of Statutes corrected a clearly erroneous statutory reference in subsection (1) of this section as enacted in 2002 Ky. Acts ch. § 3, by changing "KRS 367.962" to "KRS 367.952."

67.682 County cemetery fund -- Administrative regulations relating to county cemetery board.

- (1) The Department for Local Government shall establish a county cemetery fund to receive appropriations, gifts, federal funds, revolving funds, and any other funds from public and private sources.
 - (a) Moneys deposited in the fund shall be disbursed by the State Treasurer and any unallocated or unencumli balances in the fund shall be invested as provided in KRS 42.500(9).
 - (b) Income earned from investment including unalloted or unencumbered balances in the fund shall not lapse be returned to the Department for Local Government, and may be redistributed to other counties.
- (2) The Department for Local Government shall promulgate administrative regulations related to responsibilities of boards, grant appropriation amounts and eligible expenditures, application and reporting procedures, account criteria for grant recipients, and other issues of importance to the board's operation.

Effective: July 15, 2002

History: Created 2002 Ky. Acts ch. 276, § 4, effective July 15, 2002. **2004-2006 Budget Reference.** See State/Executive Branch Budget, 2005 Ky. Acts ch. 173, pt. V, A.4., at 3151; and State/Executive Branch Budget Memorandum, 2005 Ky. Acts ch. 170, at 1578 (Final Budget Memorandum, at 7).

97.540 Third or fourth class cities -- Condemnation of property for parks or cemeteries.

Whenever, in the opinion of the legislative body of any city of the third or fourth class, land or other property local either within or without the boundaries of the city and within the county in which the city is located is needed for cemetery or park purposes and the legislative body is not able to contract with the owner of the property for its purchase, the legislative body may, by resolution reciting such need, order the condemnation of such property. Tl proceedings shall be conducted in the manner provided in the Eminent Domain Act of Kentucky.

Effective: July 15, 1988

History: Amended 1988 Ky. Acts ch. 343, § 1, effective July 15, 1988. – Amended 1976 Ky. Acts ch. 140, § 50. Recodified 1942 Ky. Acts ch. 208, § 1, effective October 1, 1942, from Ky. Stat. § 3240a-1, 3240a-2.

307.300 Improperly interred body or cremated remains.

- (1) In any instance where the operator of any cemetery is informed or becomes aware that it has improperly interri has allowed to be improperly interred a body or cremated remains, including but not limited to interment in th wrong space, the burial container shall be disinterred and properly reinterred.
- (2) Prior to disinterment and proper reinterment of the body or cremated remains, the cemetery shall give reason notice to the next of kin of the deceased and, if requested, the owner of the burial space, informing them of tl improper interment and the agreed-upon date of the disinterment and proper reinterment.
- (3) The expense of the disinterment and proper reinterment shall be paid by the cemetery in which the body or

cremated remains were improperly interred.

Effective: July 15, 2002

History: Created 2002 Ky. Acts ch. 276, § 5, effective July 15, 2002.

KRS 381.690 Protection of burial grounds by cities

Whenever any burial grounds lie within the corporate limits of a city the governing authorities of the city shall protect the burial grounds from being used for dumping grounds, building sites, playgrounds, places of entertainment and amusement, public parks, athletic fields or parking grounds.

HISTORY: KR 2741p-1

Penalty: KRS 381.8990(2)

381.697 Cemeteries maintained by legal owners.

- (1) Every cemetery in Kentucky except private family cemeteries shall be maintained by its legal owner or owner without respect to the individual owners of burial plots in the cemetery, in such a manner so as to keep the burial grounds or cemetery free of growth of weeds, free from accumulated debris, displaced tombstones, or other indications of vandalism or gross neglect.
- (2) The owner or owners of public or private burial grounds, regardless of size or number of graves, shall protect the burial grounds from desecration or destruction as stipulated in KRS 525.115(1)(a), (b), or (c) or from being used as dumping grounds, building sites, or any other use which may result in the burial grounds being damaged or destroyed. The provisions of this subsection shall not apply to the owner or owners of public or private burial grounds when the public or private burial grounds have been desecrated, damaged, or destroyed as the result of a crime by another as defined by KRS 500.080.
- (3) The owner or owners of private burial grounds shall be required to construct cemetery protection structures on the burial ground if the burial ground is located in a county with a county cemetery board and if the board provides compensation to the private burial ground owner for supplies, labor, and other expenses associated with such construction.

Effective: July 15, 2002

History: Amended 2002 Ky. Acts ch. 276, § 2, effective July 15, 2002. – Created 1972 Ky. Acts ch. 284, § 2.

KRS 381.700

The governing authorities of any city within whose corporate limits any burying grounds lie may require the owners of those having claims to the grounds to properly care for them.

HISTORY: KRS 2741p-2.

Penalty: KRS 381.990(2)

KRS 381.710 Evidence of dedication or use of land as burying ground.

The fact that any tract of land has been set apart for burial purposes and that a part or all of the grounds has been used for burial purposes shall be evidence that such grounds were set aside and used for burial purposes. The fact that graves are not visible on any part of the grounds shall not be construed as evidence that such grounds were set aside and used for burial purposes.

Effective: 1 October 1942

History: Recodified 1942 Ky Acts Ch. 208, § 1, effective October 1, 1942, from Ky Stat. § 2741 p.-3.

KRS 381.715 Burial Rights in cemetery lots; abandonment; resale by cemetery (amended 18 March 1994)

- (1) As used in the section, "cemetery lot" is a lot containing one (1) or more grave spaces located within a cemetery registered pursuant to KRS 367.946 in a county containing an urban-county government or in a city.
- (2) An officer of the cemetery may cause to be filed, on behalf of the cemetery an action in the circuit court of the county where the cemetery is located requesting that the burial rights in the unused portion of the lots in question be deemed abandoned and that the cemetery be authorized to sell the rights upon entry of the court's judgment. The defendants in the action shall be the unknown heirs of the original owner of the burial rights in the lots in question.
- (3) The petition shall include the following:
 - (A) The name of the original owner of the burial rights in the lots in question.
 - (B) The name of all persons buried in the lots and the date of burial, if known.
 - (C) The name, address and telephone of the cemetery office.
 - (D) An affidavit by the petitioner that:
 1. No person has been buried in the cemetery lots in question for a period of at least one hundred years.

2. The identity of any owner of the burial rights in the lot in question or any heir of the owner is unknown to any officer or employee of the cemetery and not discoverable after a good faith attempt by an officer or employee to identify the owner or heir.
- (4) Service of process shall be by warned order attorney, appointed by the court pursuant to CR 4.07.
- (5) If the court finds the allegations set forth in paragraph (d) of subsection (3) of this section to be true, the court shall enter judgment deeming the burial rights in the lots in question abandoned and authorizing the cemetery to exercise the rights.
- (6) No judgment shall be entered declaring burial rights abandoned if an owner or heir of a cemetery lot has filed with the cemetery a statement in writing directing that certain grave spaces not be used.

Effective: July 15, 1994

History: Amended 1994 Ky. Acts ch. 70, § 1, effective July 15, 1994. – Created 1984 Ky. Acts ch. 267, § 1, effective July 13, 1984.

KRS 381.720 Abandoned cemetery in certain cities, proceedings to vest title in city

Whenever in the opinion of the legislative body of a city of the first, second, third, fourth or fifth class a cemetery located within the boundaries of such city has been abandoned and the land comprising the said cemetery is needed for a public purpose, an ordinance may be enacted declaring such cemetery, as described by metes and bounds, abandoned and authorizing the city attorney to institute suit for the city or other governmental agency created by the city in the circuit court of the county in which the city is located against the property comprising the cemetery to cause the said cemetery abandoned and to vest title thereto in the said city, or any governmental agency created by it pursuant to or authority of the Kentucky Revised Statutes.

HISTORY: 1964 c 24, § 1, Eff. 3-10-64
1954 c 29, § 1

CROSS REFERENCES

Abandonment or discontinuance of cemeteries. 14 Am Jur 2d, Cemeteries § 21 to 24.

KRS 381.740 Assertion of claim to compensation for value of interest in cemetery or lot

Within thirty days after the last advertisement, and party having a claim to the cemetery or any lot therein or to the mortal remains of a person interred therein, may file his claim in the said proceedings for damages as compensation for the value of his interest in the cemetery or lot to which he has claim. Upon the filing of the aforesaid claim the circuit court shall appoint as commissioners three impartial housekeepers who are owners of land. They shall be sworn to faithfully and impartially discharge their duties. The commissioners shall view the land involved and they may hear and receive evidence or make any inquiry they desire touching the value thereof and award to claimant who are owners thereof the value of the property taken. They shall return a written report to the office of the clerk of the circuit court describing separately the property which is subject of each claim. Either the claimant or the complainant may file exceptions to the report and demand a jury trial. The commissioners shall be allowed a reasonable fee which shall be taxed as costs.

HISTORY: 1964 c 24, § 3, eff. 3-10-64
1954 c 29, § 3

CROSS REFERENCES

Property rights in lots or vaults; burial and incidental rights. 14 Am Jur 2d, Cemeteries § 25 et seq.

KRS 381.750 Judgment; removal of bodies and monuments

If no claim is made within thirty days after the last advertisement, or if claims have been made and compensation paid either to the claimants or into court, the court shall declare the cemetery to be abandoned and enter judgment accordingly, vesting fee simple title in the complainant. Thereafter claimants shall have thirty days in which to remove the mortal remains and monuments from lots to which they have been adjudged to have claim, the reasonable cost thereof to be paid by the claimant. If, within thirty days after entry of judgment said remains have not been removed by the claimants thereto, it shall be the duty of such complainant, through its proper officers, to pay for the removal of the mortal remains and the disinterment, removal, and the reinterment of such body, or bodies, in such other cemetery in the county in which said city is located as the protesting lot owner may designate, or if no designation be made, to a suitable cemetery in the county.

HISTORY: 1964 c 24, § 4, eff. 3-10-64
1954 c 29, § 4

CROSS REFERENCES

Property rights to vaults and gravestones. 14 Am Jur 2d, Cemeteries § 33

Changing place of interment. 22 Am Jur 2d, Dead bodies § 22 to 28

Removal and reinterment of remains, 21 ALR2d 472

KRS 381.755 Removal of grave or cemetery on application of land owner or county; procedure; expenses

- (1) Upon application of the owner of property on which is located an abandoned grave or cemetery or whenever fiscal court or any county deems it to be in the best interest of the county to remove and relocate any such grave or cemetery the court may issue an order or resolution authorizing such removal or relocation.
- (2) The order or resolution for the removal and relocation of the grave or cemetery pursuant to subsection (1) shall specify and declare that at any time after the expiration of sixty days after the first publication of notice of such intended action pursuant to KRS Chapter 424, the court shall direct the removal and relocation of the grave or cemetery.
- (3) Expenses for removal and relocation of any grave or cemetery under the provisions of this section shall be paid by the individual requesting such removal or if the removal is made in the best interest of the county the expenses shall be paid by county funds.
- (4) Any grave or cemetery removed under the provisions of this section shall be relocated in suitable place at the expense of the person or county requesting such removal and relocation.
- (5) For the purposes of this section a grave or cemetery shall be considered abandoned when left untended for a period of ten years preceding the date of the resolution for removal and relocation of the grave or cemetery.

History: Created 1966 Ky. Acts ch. 251, § 1 to 5.

OAG 83-265. Liability for desecration of graves may exist when land that has been previously been used as a cemetery is reused as a cemetery without first removing and reintering the remains of those previously buried there. There is no liability for desecration if the cemetery is abandoned so that nothing indicates there are graves in the ground, the person is without notice that graves exist, and the public no longer recognizes the land as a cemetery.

416.210 Right of burial association or corporation to condemn land for cemetery -- Governmental approval needed -- Procedure.

Any burial association or corporation may, with the approval of the appropriate city, county, urban-county, consolidated local government, or charter county legislative body, condemn land by first recording, in the county clerk's office in the county where the land lies, a resolution that it needs the land to furnish a burial site for the public. It may condemn sufficient roadway to have access to the land, not wider than one hundred (100) feet. It may also condemn enough land, not exceeding five (5) acres, adjacent to any land used for a cemetery for a chapel site. If the building of a state highway requires a change in the entrance to any cemetery, the burial association or corporation may condemn any adjacent land, not wider than one hundred (100) feet for the new entrance. The condemnation procedure shall be in the Circuit Court of the county pursuant to the Eminent Domain Act of Kentucky. This section shall not permit condemnation of more than forty (40) acres at any one time.

Effective: July 12, 2006

History: Amended 2006 Ky. Acts ch. 44, § 1, effective July 12, 2006. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, § 419, effective January 2, 1978. -- Amended 1976 Ky. Acts ch. 140, § 125. -- Amended 1946 Ky. Acts ch. 141, § 3. -- Recodified 1942 Ky. Acts ch. 208, § 1, effective October 1, 1942, from Ky. Stat. § 199a-8, 199a-9.

Formerly codified as KRS 271.420, renumbered 1946 Ky. Acts ch. 141, § 3.

525.105 Desecration of venerated objects, first degree.

- (1) A person is guilty of desecration of venerated objects in the first degree when, other than authorized by law, he intentionally excavates or disinters human remains for the purpose of commercial sale or exploitation of the remains themselves or of objects buried contemporaneously with the remains.
- (2) Desecration of venerated objects in the first degree is a Class C felony.

Effective: July 15, 2002

History: Amended 2002 Ky. Acts ch. 276, § 6, effective July 15, 2002. -- Created 1988 Ky. Acts ch. 119, § 1, effective March 30, 1988.

525.115 Violating graves.

- (1) A person is guilty of violating graves when he intentionally:
 - (a) Mutilates the graves, monuments, fences, shrubbery, ornaments, grounds, or buildings in or enclosing a cemetery or place of sepulture; or
 - (b) Violates the grave of any person by destroying, removing, or damaging the headstone or footstone, or the enclosure protecting any grave; or
 - (c) Digs into or plows over or removes any ornament, shrubbery, or flower placed upon any grave or lot.

- (2) The provisions of subsection (1) of this section shall not apply to ordinary maintenance and care of a cemetery or the removal and relocation of graves pursuant to procedures authorized by and in accordance with applicable statutes.
- (3) Violating graves is a Class D felony.
- (4) The court shall order the defendant to restore the cemetery to its pre-damage condition.

Effective: July 15, 2002

History: Amended 2002 Ky. Acts ch. 276, § 7, effective July 15, 2002. – Amended 2000 Ky. Acts ch. 123, § 1, effective July 14, 2000. -- Created 1992 Ky. Acts ch. 420, § 2, effective July 14, 1992.

525.120 Abuse of corpse.

- (1) A person is guilty of abuse of a corpse when except as authorized by law he intentionally treats a corpse in a manner that would outrage ordinary family sensibilities. A person shall also be guilty of abuse of a corpse if that person enters into a contract and accepts remuneration for the preparation of a corpse for burial or the burial or cremation of a corpse and then deliberately fails to prepare, bury, or cremate that corpse in accordance with that contract.
- (2) Abuse of a corpse is a Class A misdemeanor, unless the act attempted or committed involved sexual intercourse or deviate sexual intercourse with the corpse or the deliberate failure to prepare, bury, or cremate a corpse after acceptance of remuneration in accordance with any contract negotiated, in which case it is a Class D felony.

Effective: July 15, 2002

History: Amended 2002 Ky. Acts ch. 276, § 8, effective July 15, 2002. – Amended 2000 Ky. Acts ch. 490, § 1, effective July 14, 2000. -- Created 1974 Ky. Acts ch. 406, § 222, effective January 1, 1975.

APPENDIX A STANDARDS FOR CEMETERY MAINTENANCE

Before undertaking any cemetery preservation efforts, take the time to determine what preservation work is needed, the best way it can be done, and what minimum maintenance efforts will be needed. Establish preservation priorities, including top priorities and others that can be relegated to a less-urgent or second-stage status.

This planning need not be relegated to professionals. In most cases the initial plan can be effectively developed by those who are most involved with (and most intimately concerned about) the welfare of the cemetery.

The following points are provided as a reference for those considering preserving a cemetery. This includes the ongoing maintenance of the property once initial preservation work is completed. Long-term maintenance must be carefully considered in order to prevent the deterioration of the cemetery once the preservation crew has departed.

- 1 Good maintenance does not necessarily imply a manicured appearance. Indeed, an older cemetery's atmosphere may be enhanced by a relaxed but controlled growth of wildflowers and grasses.
- 2 If close mowing and trimming is needed, be sure to avoid damaging the stones. Use nylon "weed-eaters" for close trimming. A blade guard on the mower protects not only the marker from sticks and rocks thrown by the mower, but it protects the individual(s) as well. Never use a rider mower or other large lawnmowers.
- 3 Grass around soft stones (soapstone) or any unstable stone should only be trimmed by hand.
- 4 Herbicides near stones should not be used. Fertilizers should only be used sparingly.
- 5 Remember: trees and shrubs can be replaced; old stones cannot. Dense foliage can keep stones, particularly sandstone, damp enough to accelerate deterioration. A rule of thumb to follow is this: when in doubt, remove the foliage. There are exceptions, of course, and one might consider moving a stone rather than a 500-year-old live oak, for example.
- 6 Do not capriciously move stones from their original sites. Their original location is historically significant. Once a stone is moved, it no longer becomes a grave marker, because it no longer marks a grave. It does, however, become a memorial marker. A moved stone alters the historic graveyard.
- 7 Plant small, close-lying clovers and groundcovers near stones and in other hard-to-mow areas.
- 8 Remove scrub trees and prune shrubs to prevent damage to stones.

- 9 Do not move stones capriciously (to make straight rows for easier mowing, to create paths or to "correct" a stone's facing orientation).
- 10 Educate yourself and volunteers regarding procedures for historic graveyard care.
- 11 Do not clean stones often. Do not clean stones more often than once every several years or longer.
- 12 It is advisable to visit the cemetery during the periods of the year when most new growth of trees, shrubs and foliage will appear. At that time it can be determined whether or not limited or detailed maintenance efforts will need to be undertaken.

Reference: "A Graveyard Preservation Primer" by Lynette Strangstad; published by American Association for State and Local History (AltaMira Press) in cooperation with Association for Gravestone Studies; AASLH, Nashville, TN 37201, 1988. Used with permission.

APPENDIX B CLEANING OLD GRAVESTONES

Be aware that serious damage can be done to stones by using improper cleaning methods. Even if they appear to be stable, not all stones can be safely cleaned. Unstable stones are those whose faces or lettering are flaking, or which have obvious fractures or a grainy surface which falls away easily. Stones in this condition **should not be cleaned**.

STEPS: Test clean a small, inconspicuous area before tackling the whole stone. Treating this patch to the entire cleaning process will reveal any problems without affecting the whole stone, and will show the results that the complete cleaning will give.

1. With a soft bristled brush, remove loose, dry materials.
2. Wet stone thoroughly with clear water.
3. Scrub with the soft brush and plain water. (Use brush with natural or plastic bristles, **wire brushes will damage the stone**).
4. Clean stone beginning from the bottom up to avoid streaking.
5. Make sure stone is wet before applying any cleaning solution. (Please refer to the recommended cleaning solutions included here. Try mildest cleaning solution first.
6. After using any cleaner, flood the stone again and scrub, using clean water. Do not let any cleaner dry on the stone before removing it.
7. To clean details of lettering or design:
 - (a) Granite or slate: Use a soft wooden stick (tongue depressor, ice cream stick, orange cuticle stick.) Never use a metal tool.
 - (b) On softer, grainer stones (as with sandstone or limestone) be more careful. Use a soft toothbrush or cotton swab.
8. Last, thoroughly rise stone with lots of clean water.

PROCEDURES TO AVOID

- Do not use acidic cleaners on marble or limestone.
- Do not sandblast gravestones.
- Do not use high-pressure spraying to clean gravestones.
- Do not attempt to clean any stone that is unstable.
- Do not attempt to clean stones without first receiving proper direction.
- Never use wire brushes or any metal instrument in cleaning stone.
- Do not substitute household cleaners for those listed here.
- Do not clean stones often. Even the most carefully cleaned stone loses stone particles with each cleaning.
- Do not plan to clean stones more often than once every several years or longer.
- Do not treat stones with "protective" coatings that are impermeable to water vapor. Such coatings can actually be very harmful to stones in years to come, and others are ineffective.

TOOLS FOR STONE CLEANING

- Goggles
- Rubber gloves
- Tampico (natural bristle) or plastic scrub brushes
- Toothbrushes
- Smooth wooden sticks such as ice cream sticks, tongue depressors, orange cuticle sticks

- Q-tips
- Spray bottle
- Water source (a hose is great, but clean, gallon milk jugs work too)

RECOMMENDED CLEANING SOLUTIONS

(Listed in order of increasing strength)

NOTE: Always use the weakest cleaning agent that cleans the stone effectively. Do not increase the recommended strength of a given solution. Use only those solutions recommended for the type of stone being cleaned.

Marble and limestone

- Water only
- Non-ionic detergent, such as Photo-Flo (available from photographic supply houses)
- Triton-X 100 (available from conservator's supply houses) and water. Use 1 ounce for every 5 gallons of water.
- Vulpex soap appropriate for stone cleaning (available from conservator's supply houses) and water. Use 1 ounce for every 5 gallons of water.
- Household ammonia. Use 1 cup for every 1 gallon of water.
- Calcium hypochlorite. Use only to remove biological growth. Available as HTH and other swimming pool disinfectants. Use 1 Pound dry for every 4 gallons of water. Must be dissolved in warm water.

Soapstone

- Water only

Slate

- Water only.
- Non-ionic detergent and water (see marble)

Sandstone

- Water only
- Non-ionic detergent and water (see marble)

Reference: "A Graveyard Preservation Primer" by Lynette Strangstad; published by American Association for State and Local History, in cooperation with Association for Gravestone Studies; AASLH, Nashville, TN, 1988, pp 60-63.

NEVER USE:

- Wire brushes, metal instruments, abrasive pads (Brillo pads, steel wool)
- Acid or acidic cleaners (especially on marble or limestone!). These types of cleaners should ONLY be used by conservators with proper training on non-calcareous stone (limestone and marble are calcareous).
- Household cleaners: soap (Ivory), detergents (liquid or powder), granular cleaners, bleach, commercial surface cleaners in spray bottles, or any other abrasive cleaner.
- Never use a power sprayer to clean the stones.

Remember: Make sure the stone is stable before attempting to clean it!

APPENDIX C COPY OF DEED INCLUSION

In order to ensure the preservation of your pioneer cemetery, it is important for the cemetery to be listed on the site's property deed.

When working with the cemetery, first check and see if the property is located on the current (most recent) property deed. Then, work your way backwards to find the earliest reference to the cemetery being noted on the deed. Researching deed books can be a daunting task. Early records of deeds may not exist or deeds that are recorded may not be easy to read. However, it is important to determine if the cemetery is listed on the deed. This will ensure that landowners and potential site developers are aware that a cemetery is located on the property.

Although you are looking for the cemetery to be mentioned on the deed, it is also important to discover if the cemetery and its dimensions are specifically excluded from the deed. If the cemetery is specifically excluded, it means that the area that encompasses the cemetery is not owned by the person who owns the overall property. If, however, there is no mention of the cemetery on the deed and if there is no mention of the cemetery being excluded from the deed, then the ownership of the land that encompasses the cemetery goes with the purchase of the property.

It is important for a cemetery (located in an area not protected by perpetual care) to be listed on the most current property deed. Many times, but not always, when land is designated for possible development and a deed search is done, every deed associated with the particular piece of property is not searched. In other words, only the current deed and possibly the prior three or four may be researched. If the cemetery had been listed as being on the property on the first deed and not brought forward, no mention of it will be found by those who only research the most current deeds.

If this situation presents itself and there is no mention of a known cemetery on the current deed, it is advisable to seek legal advice to see what steps can be taken to have the cemetery included on the current deed. Seek the advice of an attorney who is well-versed in property law.

APPENDIX D

KENTUCKY CEMETERY PRESERVATION PROGRAM

A SERVICE OF THE KENTUCKY HISTORICAL SOCIETY

Contact:

Kentucky Historical Society
100 West Broadway, Frankfort, KY 40601
Phone: 502-564-1792
Fax: 502-564-4701
Email: KHScemeteries@ky.gov

AN OVERVIEW OF THE KENTUCKY CEMETERY PRESERVATION PROGRAM

Cemeteries are important historical assets that tell about a community's past. They hold valuable resources for historical and genealogical research. More importantly, they are monuments to the people who once inhabited our communities. Across the Commonwealth, the Kentucky Historical Society provides support to communities to assist with the preservation and care of cemeteries and gravestones. Through seminars that teach best practices in cemetery preservation and educational materials that provide guidance and instruction to local citizens, KHS partners with communities to preserve and promote this important part of the state's history and heritage.

Census of Kentucky's Cemeteries

The Cemetery Preservation Program is continuing the work begun by the Kentucky Attorney General's Cemetery Task Force to develop a comprehensive survey of all cemeteries and burial sites in the state. Cities, counties, historical societies and other groups across the state are encouraged to work with us to develop a database that will list and provide a permanent record of all cemeteries and burial sites in the state. The database of surveys that was started by the Attorney General's Office can be found via the Kentucky Historical Society's website, www.history.ky.gov.

Cemetery Preservation and Education Project

The program provides ongoing resources to Kentucky's citizens and organizations that are involved in or interested in the protection and preservation of our historic cemeteries and gravesites. The program provides:

- Educational materials about appropriate cleaning and repairing techniques for old gravestones.
- Seminars and symposia that bring together professionals and interested individuals to discuss preservation issues and techniques as well as the historical and cultural significance of Kentucky's cemeteries and gravesites.
- Support for projects that highlight the educational and historical significance of our state's cemeteries.
- Advocacy across the state for the continued care and preservation of our historic cemeteries.

APPENDIX E MEDIA TIPS PROMOTING CEMETERY PRESERVATION

**Contact: Kentucky Historical Society
100 West Broadway, Frankfort, KY 40601
Phone: 502-564-1792 | Fax: 502-564-4701
Email: KHScemeteries@ky.gov**

- Prepare some talking points and look for interesting story angles unique to your workshop or event. A lot of reporters look for human interest stories and personal experiences that are also newsworthy. When you can, tie your story to statewide or national history. Keep in mind what is going on with current local events and what else you might be competing with for media attention.
- Do your research! Look for editors, reporters and local media personalities (in print, radio, television and online) that already cover topics related to history and cemetery preservation. Researching each reporter or media outlet's audiences and programming to find the best fit will result in better coverage of your workshop. Most people listen to the radio on the way to and from work or at lunch, so look for stations with morning or afternoon shows that highlight local news and events and will reach a broad audience. From your research, prepare a contact list (names, phone numbers, email and postal mail addresses) of people that should receive your press release.
- Write a press release. You can use a recent press release on the Kentucky Historical Society's website and your talking points as references. Be sure to include your contact information (name, phone number and email address). Be concise, relevant and specific to your community. Editors receive hundreds of press releases each week, so be brief but interesting enough to attract notice. Double and triple-check for facts, spelling and grammar. Send it to your press contact list roughly two weeks before your workshop.
- Follow up on the press release with a personal phone call or email to the people on your contact list. Use your talking points to pitch them your story. Remember that most journalists work on a deadline, so return phone calls and emails from them as soon as possible. Print and broadcast deadlines vary, but the best time to contact most reporters is in the morning.
- Be available. Make sure that at least one person is available to the media for interviews and can speak passionately and eloquently about the importance of cemetery preservation in your community and in Kentucky. Journalists often take photos, video or sound recordings during an interview and may ask for additional photographs and information. When possible, have a selection of high-resolution photographs (with captions and photographer credit) already available of the interview subject, community members, historical images, people at work in the cemetery or interacting with each other, and anything else relating to your story.
- Utilize community calendars. Most media will add your event to their calendar once they receive your press release, but again it's a good idea to follow up with the editor. A lot of newspapers, radio stations, television stations and community groups allow you to submit event information online.
- Always follow up with the journalist with a thank you! An email, phone call or hand-written note is appropriate.

SPECIAL ACKNOWLEDGEMENTS

STEELE-REESE FOUNDATION

The Steele-Reese Foundation is a charitable trust committed to supporting rural communities and the nonprofit organizations that serve them in Idaho, Montana and Appalachian Kentucky. Since its inception, the Foundation has maintained a focus on the unique challenges of rural living and on helping people build healthy, successful and sustainable communities. With grant funds from the Steele-Reese Foundation, KHS has developed an array of workshops and programs to help Kentuckians preserve their cemeteries. The Kentucky Pioneer Cemetery Program could not have been implemented without the support of the Steele-Reese Foundation. The Kentucky Historical Society thanks the Steele-Reese Foundation for their support.

KENTUCKY HISTORICAL SOCIETY FOUNDATION

The Kentucky Historical Society Foundation (KHSF) has long been a supporter of cemetery preservation. Much of the success of the KHS Cemetery Preservation Program can be attributed to their support. The KHSF was formed to further the educational and stewardship purposes of the Kentucky Historical Society by providing assistance and support to the Society as needed. Consequently, the Foundation partners with the KHS in fulfilling its mission for engaging people in the exploration of the Commonwealth of Kentucky's diverse heritage. Through comprehensive and innovative services, interpretive programs and stewardship, the Kentucky Historical Society and the KHS Foundation provide connections to the past, perspective on the present and inspiration for the future.



THE STEELE-REESE FOUNDATION