

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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HOUSE BILL 810  
PROPOSED COMMITTEE SUBSTITUTE H810-PCS80358-ST-33

Short Title: Modify Certain Cemetery Requirements.

(Public)

Sponsors:

Referred to:

April 11, 2013

1 A BILL TO BE ENTITLED  
2 AN ACT TO MODIFY THE COUNTY POPULATION AND MINIMUM ACREAGE  
3 REQUIREMENTS IN CERTAIN TRACTS OF LAND USED AS CEMETERIES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 65-55(f) reads as rewritten:

6 "**§ 65-55. License; cemetery company.**

7 ...  
8 (f) If the Commission intends to grant the authority, it shall give written notice that the  
9 authority to organize a cemetery has been granted and that a license to operate will be issued  
10 upon the completion of the following:

- 11 (1) Establishment of the care and maintenance trust fund and receipt by the  
12 Commission of a certificate from the trust company, certifying receipt of the  
13 initial deposit required under this Article.
- 14 (2) Full development, ready for burial, of not less than two acres including a  
15 completed paved road from a public roadway to said developed section,  
16 certified by inspection of the Commission or its representative.
- 17 (3) A description, by metes and bounds, of the acreage tract of ~~such~~the  
18 proposed cemetery, together with evidence, by title insurance policy or by  
19 certificate of an attorney-at-law, certifying that the applicant is the owner in  
20 fee simple of ~~such~~the tract of land, which must contain not less than 30  
21 acres, and that the title to not less than 30 acres is free and clear of all  
22 encumbrances. In counties with a population of less than ~~35,000~~100,000  
23 ~~population~~ according to the latest federal decennial census the tract need be  
24 only 15 acres.
- 25 (4) A plat of the cemetery showing the number and location of all lots surveyed  
26 and permanently staked for sale."

27 **SECTION 2.** G.S. 65-69 reads as rewritten:

28 "**§ 65-69. Minimum acreage; sale or disposition of cemetery lands.**

29 (a) Each licensee shall set aside a minimum of 30 acres of land for use by ~~said~~that  
30 licensee as a cemetery, and shall not sell, mortgage, lease or encumber the same. In counties  
31 with a population of less than 100,000 according to the latest federal decennial census, the tract  
32 need be only 15 acres.

33 (b) The fee simple title, or lesser estate, in any lands owned by licensee and dedicated  
34 for use by it as a cemetery, which are contiguous, adjoining, or adjacent to the minimum ~~of 30~~  
35 ~~acres~~acreage described in ~~subsection (a), subsection (a) of this section,~~ may be sold, conveyed,  
36 or disposed of, or any part thereof, by the licensee, for use by the new owner for other purposes



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1 than as a cemetery; provided that no bodies have been previously interred therein; and provided  
2 further, that any and all titles, interests, or burial rights which may have been sold or contracted  
3 to be sold in such lands which are the subject of such sale shall be conveyed to and revested in  
4 the licensee prior to consummation of any such sale, conveyance or disposition.

5 (c) Any licensee may convey and transfer to a municipality or county its real and  
6 personal property together with moneys deposited with the trustee; provided said municipality  
7 or county will accept responsibility for maintenance thereof and prior written approval of the  
8 Commission is first obtained.

9 (d) The provisions of subsections (a) and (b) of this section relating to a requirement for  
10 minimum acreage shall not apply to those cemeteries licensed by the Commission on or before  
11 July 1, 1967, which own or control a total of less than 30 acres of land; provided that such  
12 cemeteries shall not dispose of any of such lands. A nongovernment lien or other interest in  
13 land acquired in violation of this section is void.

14 (e) If, after lands are sold under subsection (b) of this section in a county with a  
15 population of less than 100,000 according to the latest federal decennial census and the licensee  
16 has less than 30 acres of unencumbered land for use by the licensee after the sale, the licensee  
17 shall transfer to the perpetual care fund an amount equal to three percent (3%) of the gross sales  
18 price at fair market value of up to 15 acres sold, within 60 days of the sale."

19 **SECTION 3.** This act is effective when it becomes law.