

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 570

Short Title: Notify Family of Cemetery Construction. (Public)

Sponsors: Representative Setzer (Primary Sponsor).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Judiciary Subcommittee B.

April 4, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE A PERSON TO PROVIDE NOTICE TO FAMILY MEMBERS
3 PRIOR TO CONSTRUCTING ANY ABOVEGROUND STRUCTURE OR BUILDING
4 WITHIN TEN FEET OF A BELOWGROUND CRYPT OR GRAVE SPACE.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** The title of Article 11 of Chapter 65 of the General Statutes reads as
7 rewritten:

8 "Article 11.

9 "~~Minimum Burial Depth~~ Depth and Notice to Family Members of Cemetery Construction."

10 **SECTION 2.** Article 11 of Chapter 65 of the General Statutes is amended by
11 adding a new section to read:

12 **"§ 65-78. Notice to family members of cemetery construction near a belowground crypt
13 or grave space.**

14 (a) No person who operates a cemetery or who subsequently purchases land on which a
15 cemetery exists may construct any aboveground structure or building, including a mausoleum
16 or columbaria, within 10 feet of a belowground crypt or grave space without notifying the
17 known family members of the decedent at least 60 days prior to the start of construction. Upon
18 notice, a family member or anyone acting on the family member's behalf may have the
19 decedent's remains moved prior to construction. For purposes of this section, the terms
20 "person," "cemetery," "mausoleum," "columbaria," "belowground crypt," and "grave space"
21 shall be defined as set forth in G.S. 65-48. For purposes of this section, "family member"
22 includes only those persons who would be entitled to inherit from the decedent pursuant to
23 Chapter 29 of the General Statutes, the Intestate Succession Act.

24 (b) Notice must be sent by first-class mail to all known family members, including
25 those who are listed on the records pertaining to the interment of the decedent's remains. If
26 there are no known family members, the notice must be posted at the courthouse of the county
27 in which the decedent is interred, and at the site where the construction will occur, at least 60
28 days prior to the start of construction.

29 (c) A family member who opposes the construction or requires additional time to have
30 the decedent's remains moved may seek a temporary restraining order or a preliminary or
31 permanent injunction as provided in Article 37 of Chapter 1 of the General Statutes and
32 G.S. 1A-1, Rule 65. Any civil action must be filed in the General Court of Justice of the county
33 in which the decedent is interred.

34 **SECTION 3.** This act is effective October 1, 2013, and applies to all construction
35 occurring on or after that date.



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